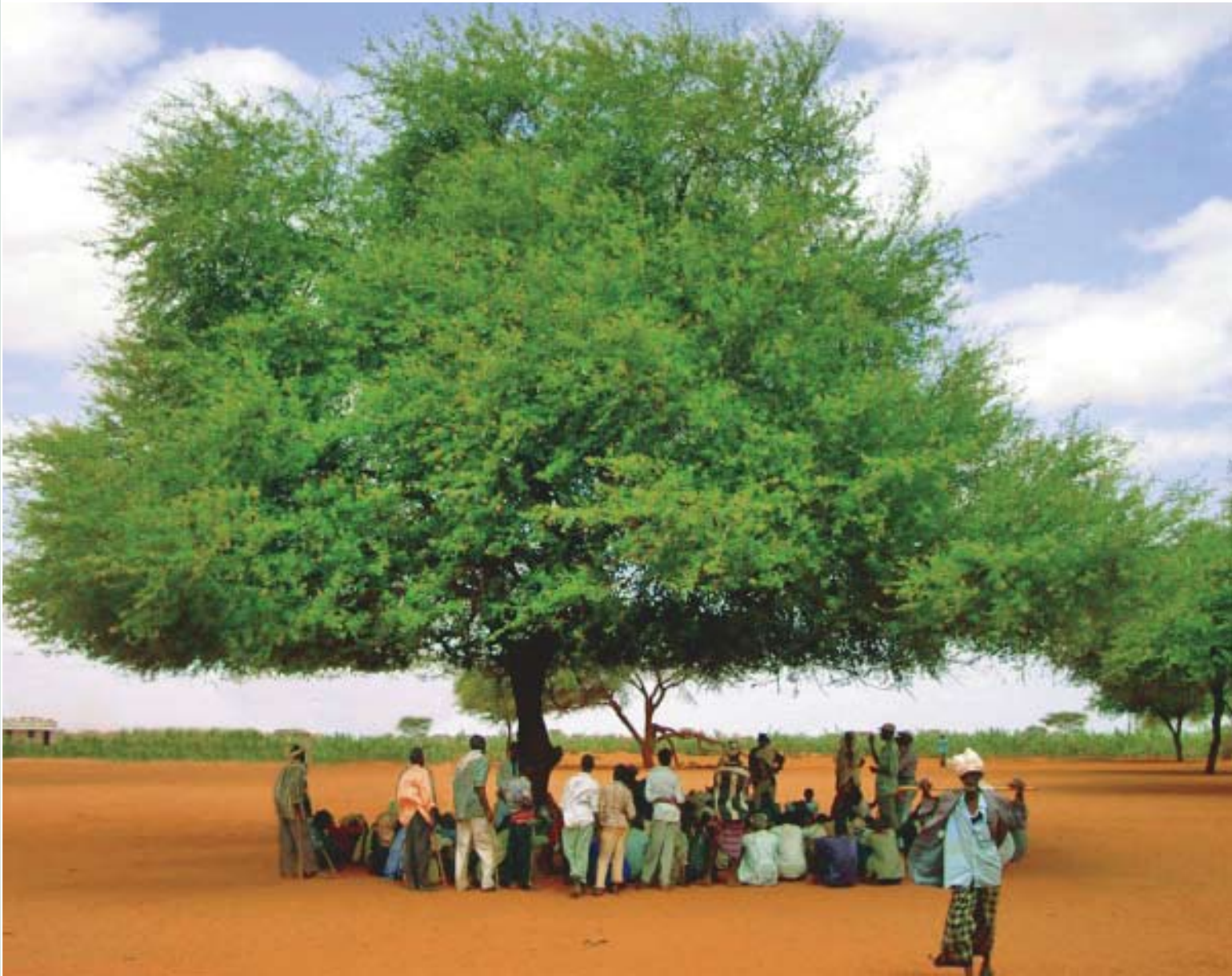


# THE SEARCH FOR PEACE

## Somali Programme



# A History of Mediation in Somalia since 1988

# Acknowledgements

## **A History of Mediation in Somalia since 1988**

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The study is a draft chapter in a forthcoming publication representing the findings of the peace mapping study.

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# Acronyms

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APD	Academy for Peace and Development
ARPCT	Alliance for the Restoration of Peace and Counter-Terrorism
ARS	Alliance for the Re-liberation of Somalia
AU	African Union
AMISOM	African Union peace keeping mission in Somalia
BBC	British Broadcasting Corporation
CRD	Center for Research and Dialogue
ICRC	International Committee of the Red Cross
ICU	Islamic Courts Union (also known as the Union of Islamic Courts)
IGAD	Inter Governmental Authority on Development
IRDA	Inter-Riverine Development Agency
JVA	Jubba Valley Alliance
LAS	League of Arab States
NGO	Non Governmental Organization
NRC	National Reconciliation Commission
NSC	National Salvation Council
OIC	Organisation of Islamic Conference
PDRRC	Puntland Development Research Center
RRA	Rahanweyn Resistance Army
SDM	Somali Democratic Movement
SNA	Somali National Alliance
SNF	Somali National Front
SNM	Somali National Movement
SNRC	Somali National Reconciliation Conference
SPM	Somali Patriotic Movement
SRC	Somali Revolutionary Council
SRRC	Somali Restoration and Reconciliation Council
SSDF	Somali Salvation Defence Force
SRSG	(United Nations) Special Representative of the Secretary General
TFG	Transitional Federal Government
TFIs	Transitional Federal Institutions
TNG	Transitional National Government
UN	United Nations
UNDP	United Nations Development Programme
UNITAF	United Nations Task Force
UNOPS	United Nations Office for Project Services
UNOSOM I/II	United Nations Operation in Somalia
UNPOS	United Nations Political Office for Somalia
UNSC	United Nations Security Council
USC	United Somali Congress
USP	United Somali Party
WSP International	War-torn Societies Project International - subsequently known as the International Peacebuilding Alliance (Interpeace)

# Preface and Methodology for the Peace Mapping Study

## **Working to consolidate peace and support better governance across the Somali region The Dialogue for Peace**

Rebuilding a country after conflict is about far more than repairing damaged buildings and re-establishing public institutions. Fundamentally, it is about rebuilding relationships at all levels, restoring the people's trust and confidence in governance systems and the rule of law, and providing the population with greater hope for the future. These processes are all critical to the consolidation of peace and security in fragile post-conflict situations. When they are neglected, the threat of conflict re-emerging is very real. In this sense, state-building and peace-building are potentially contradictory processes – the former requiring the consolidation of governmental authority, the latter involving its moderation through compromise and consensus. The challenge for both national and international peacemakers is to situate reconciliation firmly within the context of state-building, while employing state-building as a platform for the development of mutual trust and lasting reconciliation. In the Somali region, neither of these processes can be possible without the broad and inclusive engagement of the Somali people.

Interpeace (formerly known as WSP International) – launched its Somali Programme in the northeastern part of Somalia known as Puntland in 1996. It subsequently expanded its programme to Somaliland in 1999, and to south-central Somalia in 2000. Working with highly respected local peace-building institutions established with the programme's support – the Puntland Development Research Center (PDRC) in Garowe, the Academy for Peace and Development (APD) in Hargeisa, and the Center for Research and Dialogue (CRD) in Mogadishu – Interpeace has employed a highly successful 'Participatory Action Research' methodology to advance and support interlinked processes of peace-building and state formation. Interpeace's experience in the Somali region over the past decade indicates that the understanding and trust developed through the PAR methodology can help to resolve conflicts directly, while at the same time building consensual approaches to address the social, economic and political issues necessary for a durable peace. The Dialogue for Peace programme has provided unique opportunities for the three partners to engage with each other in collaborative studies and shared projects across their borders – such as this peace mapping study - while managing their respective components of the Dialogue independently. The three partners meet regularly with Interpeace's Somali programme team and a 'Dialogue Support Group' comprising the programme's donors.

## **Methodology of the Peace Mapping Study**

The Peace Mapping study was carried out from January 2007 by researchers from the APD in Somaliland, the PDRC in Puntland and the CRD in south-central Somalia, as part of the Dialogue for Peace Programme supported by Interpeace. It complements an earlier 'conflict mapping' exercise by the same organisations with the World Bank (January 2005). No comparable study of peace initiatives in the Somali region had yet been undertaken, despite the numerous reconciliation processes in the Somali region since 1991, at local, regional and national levels. While some of these have failed to fulfil expectations of resolving violent conflict, others have provided a basis for lasting stability, peace and development but are unknown beyond their immediate context. Interpeace and its partners consider that there are valuable lessons to be learned from these initiatives for both Somali and international policy makers, in terms of key factors that influence

their success, sustainability or failure, and in terms of the relationship between peace processes and state building.

The overall aim of the study was to enhance current approaches to and capacities for reconciliation and the consolidation of peace - both in the Somali region and in other contexts – by studying and drawing lessons from local, regional and national peace initiatives in the Somali region since 1991. The specific objectives were to:

- Document key local, regional and national peace initiatives over the past 18 years in the Somali region (including those that may have failed to achieve the anticipated results);
- Identify key factors that influence successful peace initiatives and that may undermine sustainability;
- Synthesise lessons learned from these reconciliation initiatives for the way forward;
- Study the relationship between peace initiatives and state building in the Somali region

The study was designed in four phases, facilitated by Mark Bradbury in collaboration with the Interpeace Somali program team, and punctuated by workshops at which the research was reviewed and the researchers were trained in research tools and techniques<sup>1</sup>. In the preparatory phase the three organisations established their research teams and compiled inventories of peace meetings in the Somali region. In the second phase, the researchers conducted literature reviews, interviews and group discussions to develop a historical overview of peace initiatives in their respective areas. The third phase entailed detailed research on selected case studies. The Audio Visual Units of the organisations also prepared films (in Somali and English) to accompany the research. The final phase involved writing and peer reviewing of the case studies.

The research was undertaken by Somali researchers using Interpeace's Participatory Action Research (PAR) methodology, with some assistance from a number of colleagues<sup>2</sup>. Information was gathered through individual interviews and group discussions with over two hundred people who had been involved in or witnessed the events, many in the places and communities where the peace conferences took place. Working Groups of knowledgeable individuals were convened in each region to provide guidance and comment on the research. Many of the interviews were recorded on audiotape and film and now comprise a historic archive of material on Somali peace processes, together with written documentation on the meetings and signed peace agreements.

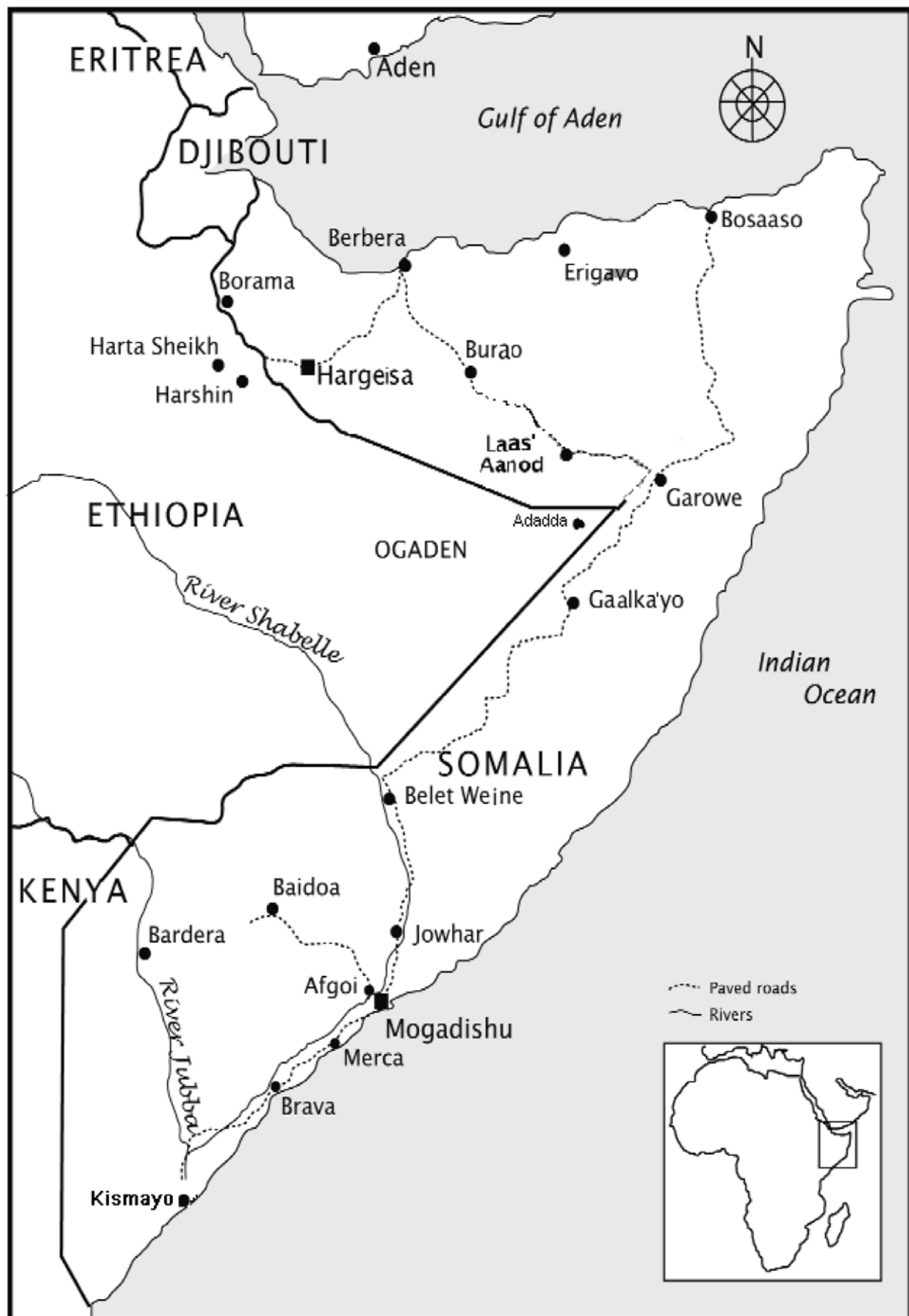
In addition to the peace mapping study on south-central Somalia, the CRD also undertook research on internationally sponsored national peace conferences in collaboration with Professor Ken Menkhaus. This report is one of the final series of five publications presenting the findings of the peace mapping study – both as a record for those involved, and as a formal presentation of findings and recommendations to the national and regional authorities, the broader Somali community, and international policy makers. Together with the short documentary films that accompany the reports, it is hoped that these publications will provide a practical platform for the sharing of lessons learned on peace and reconciliation initiatives in the Somali region.

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<sup>1</sup> Resource people: Dr Justin Willis of the British Institute in Eastern Africa, Andy Carl of Conciliation Resources.

<sup>2</sup> These were Mark Bradbury, Abdurahman Raghe, Pat Johnson, Janet Oeverland, Ulf Terlinden, Mohamed Hassan Ghani, Michael Walls, and Rita Glavitz.

# Map of Somalia, 1991





# A History of Mediation in Somalia since 1988

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## Introduction

This section reviews and assesses twenty years of external mediation efforts aimed at ending Somalia's protracted civil war and reviving a central government. It identifies lessons learned, summarizes ongoing debates about the most appropriate mediation approaches, and analyses the range of obstacles and constraints which have prevented successful mediation of the Somalia conflict.

## Background – War and Mediation in Somalia since 1988

Somalia's protracted crisis of civil war and state collapse has lasted over two decades and constitutes the longest-running instance of complete state collapse in the post-colonial era. A number of national reconciliation conferences have been convened by external mediators in an effort to resolve the crisis (see below). None has succeeded to date. The most recent effort – the Djibouti Agreement of 2008-09 – is up against formidable odds<sup>3</sup>.

## International Disengagement

The Somali crisis began in 1988, when the country erupted in civil war<sup>4</sup>. An armed insurgency, the Somali National Movement (SNM), which had been fighting the regime of Siyad Barre, launched an attack against government forces in the north of the country. Government counter-attacks produced massive displacement and casualties in the north. The international community, led by the United States, responded by freezing foreign aid to the government. Somalia's crisis rapidly worsened over the next two years, as multiple clan-based liberation movements sprung up in opposition to the regime. In part, because of external preoccupation with dramatic political developments elsewhere, such as end of the Cold War and the build up to the first Gulf War, no significant external mediation effort was mustered to address Somalia's deepening crisis.

In January 1991, the government fell in the face of an armed uprising in the capital Mogadishu led by the United Somali Congress (USC). One faction of the USC hurriedly formed an interim government and hastily selected Ali Mahdi Mohamed as the interim president. (Mahdi was a businessman and founding member of the Manifesto Group, a coalition of prominent business, intellectual, and social leaders who in 1990 called for Siyad Barre to resign and for elections to be held.) When Mahdi's selection was rejected by other factions - notably the USC faction headed by General Mohamed Farah Aideed - warfare broke out and south-central Somalia fell into heavily armed, violent lawlessness, causing the destruction of much of the capital. Repeated pillaging of villages and unchecked criminality by armed gangs and militia triggered massive population displacement and refugee flows and eventually produced a catastrophic famine in rural areas. The violent end to the regime had forced the entire foreign diplomatic community and aid agencies to evacuate from Somalia. The eruption of war in the capital also coincided with the start of the Allied offensive against Iraq in the first Gulf War and therefore received little attention from the international diplomatic community<sup>5</sup>. It was thus left to regional governments to initiate the first mediation efforts in Somalia.

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3 This report was completed as the Djibouti Agreement was in its preliminary phases of implementation and hence could not include the Djibouti talks between the Transitional Federal Government (TFG) and Alliance for the Re-liberation of Somalia (ARS) as a case study. However some aspects are covered in the Mbagathi case study.

4 In February 1988 the Djibouti President mediated an agreement between Somali President Siyad Barre and Ethiopian leader Mengistu Haile Mariam to end their mutual propaganda war and provision of safe refuge for armed forces opposed to their respective regimes, including Somali National Movement (SNM).

5 In contrast, in May that year the US government invested considerable diplomatic energy to facilitate a smooth take over in Addis Ababa by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF).

**Table 1: National reconciliation conferences**

Conference	Date	Parties	Host Country	Facilitator
Djibouti I	5-11 June 1991	SSDF, SPM, USC, SAMO, SNU, SDM	Djibouti	Government of Djibouti
Djibouti II	15-21 July 1991	SSDF, SPM, USC, SAMO, SNU, SDM	Djibouti	Government of Djibouti
Informal Preparatory Meeting on National Reconciliation	January 1993	15 factions	Ethiopia	United Nations
Addis Conference on National Reconciliation	March 1993	15 factions	Ethiopia	United Nations-Government of Ethiopia
National Salvation Council (Sodere)	November 1996-January 1997	26 factions	Ethiopia	Government of Ethiopia
Cairo Conference	November 1997	Hussein Aideed's government & NSC	Egypt	Government of Egypt
Somalia National Peace Conference (Arta)	May-August 2000		Djibouti	Government of Djibouti
Somalia National Reconciliation Conference (Eldoret/ Mbagathi)	2002-2004		Kenya	IGAD/ Government of Kenya

**Table 2: Meetings directed towards peace deals between limited numbers of parties**

Conference	Date	Parties	Host Country	Facilitator
Nairobi Informals	1994		Kenya	United Nations
Nairobi	October 1996	Ali Mahdi, Hussein Aideed, Osman Atto	Kenya	Government of Kenya
Yemen	May 1997	Hussein Aideed and Osman Atto	Yemen	Government of Yemen
Nakuru talks	1999		Nakuru, Kenya	Government of Kenya
Khartoum	2006	TFG, ICU	Sudan	Arab League
Djibouti	2008-2009	TFG, ARS-Djibouti	Djibouti	United Nations

In June 1991, five months after the Barre government was deposed, President Hassan Gulaid Abtidon of Djibouti invited the leaders of six armed factions to talks – the Somali Salvation Democratic Front (SSDF), the USC, the Somali Patriotic Movement (SPM), the Somali-African Muki Organisation (SAMO), the Somali National Union (SNU) and the Somali Democratic Movement (SDM). The Saudi government also played a role, inviting the delegates to dedicate themselves to the agreement in Mecca. The SNM declined to attend, having announced the independence of Somaliland the previous month<sup>6</sup>. The Djibouti conference

<sup>6</sup> In the state of Somalia the 'northern regions' referred to the territory of the former British Somaliland Protectorate

was chaired by Aden Abdulle Osman, the first President of Somali Republic, assisted by Abdirizak Haji Hussein and Mohamed Haji Ibrahim Igal, both former civilian prime ministers. The conference, which became known as Djibouti I, opened on 5 June 1991 and concluded a week later on 11 June. A second conference was held in July. The 'Djibouti I' and 'Djibouti II' conferences reaffirmed the appointment of Ali Mahdi Mohamed as the interim president of the Republic of Somalia for two years, but did not end the increasingly violent conflict with General Mohamed Farah Aideed for the leadership of the USC. A lack of comprehensive representation and lack of control over the militias by the delegates guaranteed that the accord reached could not be implemented. General Aideed refused to accept the Djibouti agreement and did not attend the swearing-in ceremony that took place in Mogadishu, justifying his absence on health grounds. However, he later made his position very clear, stating:

"I refused to extend any recognition to the illegal, illegitimate and self-appointed government of the Manifesto Group headed by Ali Mahdi, since it is nothing but the continuation of Said Barre's regime indirectly". (Omar 1996:2)

Despite the foreign endorsement of the Djibouti accords, a lack of robust international support for these regional efforts has subsequently been recognised as a missed opportunity for preventive diplomacy to deescalate the conflict (Sahnoun 1994). From November 1991, the conflict between Aideed and Ali Mahdi turned into a violent confrontation which continued for four months, destroyed the remaining private and public infrastructures, and killing an estimated 25,000 people. It took another year of intense fighting between the multiplying armed factions, a massive refugee exodus, and a famine that claimed the lives of some 250,000-300,000 people (Hansch et al. 1994) and growing concern that the war's transborder consequences threatened international security, before the international community intervened in a meaningful way.

## **United Nations Interventions**

In late 1991, amid increasing media coverage of the Somali war and famine, the outgoing UN Secretary-General Javier Perez de Cuellar decided to re-engage with the crisis. In January 1992 the United Nations Security Council (UNSC) adopted resolution 733 to impose an arms embargo on Somalia - a full twelve months after the government of Siyad Barre had fallen. The UN then launched its first diplomatic initiative. Under Secretary General for Political Affairs, James Jonah, visited Somalia and persuaded Ali Mahdi and General Aideed to hold talks in New York under the auspices of the UN, the Organisation of African Unity (OAU), the League of Arab States (LAS) and the Organisation of Islamic Conference (OIC). The talks, which signalled the reengagement of the international community in Somalia, produced an agreement on a cessation of hostilities and paved the way for further UN resolutions on March 17 and April 24 that authorized the establishment of the first UN peacekeeping operation in Somalia in April 1992. The mandate of the United Nations Operation in Somalia (UNOSOM), led by the Special Representative of the Secretary General (SRSG), Mohamed Sahnoun, was to maintain a ceasefire throughout the country, promote reconciliation and a political settlement and provide urgent humanitarian assistance. The Resolution also called upon the international community to support the implementation of a 90-day Plan of Action for Emergency Humanitarian Assistance. UNOSOM began its mission in Somalia in April 1992. Initially consisting of fifty unarmed ceasefire monitors, the operation's mandate was revised in August to protect humanitarian convoys and distribution centres and reinforced with a lightly armed force to protect aid deliveries. Sahnoun sought to mediate the conflict but was replaced by the Secretary-General in October 1992 after criticizing the UN for being slow and bureaucratic. The loss of this experienced and knowledgeable external diplomat came at a pivotal moment in Somalia, and constituted another missed opportunity, as Sahnoun might have been better placed to avoid some of the mistakes subsequently made by UN diplomats.

In December 1992 the international intervention was massively scaled up, when the outgoing American president, George Bush, seeking to use Somalia as a test case for more “muscular” UN peace enforcement in the post-Cold War world, authorised the deployment of US forces to spearhead a multi-national Unified Task Force (UNITAF) to bolster the UN operation and to safeguard humanitarian deliveries. Authorised to ‘enforce peace’ under Chapter VII of the UN Charter, security initially improved under ‘Operation Restore Hope’, as foreign troops were deployed and heavy weapons were cantoned, although the operation shied away from disarming the factions. Backed by this unprecedented military and humanitarian intervention force, the UN pressured the Somali armed factions - which had grown to 15 in number - to sign a new accord in Addis Ababa in March 1993.

The UN-brokered Addis Ababa Accord committed the 15 factions (each of which represented a clan) to a national reconciliation process and a procedure for establishing a Transitional National Council (TNC) and government institutions. With this apparent diplomatic breakthrough, the UNSC endorsed a new Resolution (814) to expand the UN’s role in Somalia, deploying some 28,000 peacekeepers and giving UNOSOM II a mandate to restore peace, law and order and help re-establish a national government – not only the largest peacekeeping force in the UN’s history, but also the most ambitious.

Questions of UN and US impartiality were an immediate and enduring preoccupation for Somali factions, who were keenly aware that external preferences could translate into decisive advantages for themselves or their rivals. US and UN policies had the potential to tilt the playing field in ways that helped some and hurt others. Initially, the US delegation led by Ambassador Robert Oakley appeared to be giving General Aideed preferential treatment, in part because Aideed controlled south Mogadishu where the peacekeeping operation was headquartered, and was the only militia leader in a position to disrupt the mission. Indeed, the first US military strikes against a Somali faction were launched against militia of Aideed’s nemesis, General Mohamed Hersi “Morgan,” in the Kismayo areas in February 1993. The UN’s initial and fateful decision on the key question of who had the right to represent Somalis at the negotiating table – the UN opting to recognize 15 clan-based factions at the peace talks – tipped the scales towards militia leaders and weakened civic and traditional authorities. But in May 1993, when the UN took control over the peace operation (renamed UN Operation in Somalia, or UNOSOM), US and UN officials took steps which worked against militia leaders in general and General Aideed in particular. A perceived bias of United Nations and the United States antagonized General Mohamed Farah Aideed and his Somali National Alliance (SNA) and disputes soon emerged over the interpretation of the Addis Ababa accord. The UN construed it to approve a bottom-up process of local selection of district representatives, while many faction leaders claimed they controlled selection of regional and national councillors. Tensions worsened over the May 1993 Mudug agreement between General Aideed and Col. Abdullahi Yusuf; the UN saw the agreement as a militia alliance intended to weaken its own initiatives, while Yusuf and Aideed presented it as an important and legitimate local peace accord. These tensions culminated in an armed attack on UN forces by General Aideed’s SNA in June 1993 in which twenty-four UN peacekeepers were killed. That attack produced an armed confrontation between the SNA and UNOSOM forces, culminating in the disastrous October 3 firefight in which hundreds of Somalis and eighteen US Army Rangers died and two Black Hawk helicopters were shot down in Mogadishu. The fledgling US administration of President Clinton, under considerable domestic pressure, withdrew its forces from Somalia in 1994. Other countries followed. In 1994, UN diplomats sought to broker a new power-sharing accord bringing together Somalia’s top militia leaders into a coalition government through a meeting in Kenya attended by 16 factions including General Aideed and Ali Mahdi but that effort also came to nothing. UNOSOM withdrew from Somalia in March 1995 having failed to achieve reconciliation and revive Somalia’s collapsed state.

Despite its many failings, the UN intervention initially had the trust of the warring parties and the acceptance of most Somalis. The new United Nations Secretary-General Boutros Boutros Ghali, a former Egyptian

minister of state, played a key role in bringing world attention to the crisis. The intervention did assist in saving the lives of many Somalis from hunger and starvation. In addition, it encouraged the creation of local non-governmental organizations, employed many jobless people, improved security in certain areas, reopened Mogadishu airport and seaport, and supported education and health services. However, the uncompromising positions of the Somali warlords disrupted any peace efforts by the UN and other countries. The UN's efforts were also complicated by competing goals within the troop-contributing countries and some regional countries, especially Ethiopia and Egypt, which sought to exert their influence on the crisis.

In the aftermath of the UNOSOM withdrawal from Somalia in March 1995, the Secretary-General established the United Nations Political Office for Somalia (UNPOS) to help him advance the cause of peace and reconciliation through contacts with Somali leaders, civic organizations and the States and organizations concerned. From a base in Nairobi, the UN continued to engage indirectly, monitoring the situation and providing periodic reports for the Secretary General. For the next five years, however, the diplomatic initiative was left to regional countries and the European Union.

## Local Peace Initiatives

UNOSOM's withdrawal in March 1995 did not, as many feared, precipitate a return to whole-scale civil war. Violent conflicts did continue<sup>7</sup>, but military clashes became shorter, more localized, and generally less intense. There were several reasons for this. The huge UN military intervention had helped to curtail the intense conflict between the major factions, and those factions and clans that had gained during the first years focused on consolidating their gains. As the CRD study on south-central Somalia explains, UNOSOM also supported a number of local peace initiatives, providing good offices and mediation, some of which had a positive impact (see volume III). One such UNOSOM supported regional initiative was in Kismayo in 1994, involving the SNA, SPM and SSDF and representatives of nineteen clans from Middle and Lower Jubba regions (with the exception of the Absame sub-clan which signed the agreement later). Another was the 1994 Bardhere peace conference between the Digil and Mirifle and Marehan clans, which sought to address the fighting between these two communities in 1991-92 which had caused heavy casualties, the breakdown of trade and incessant conflicts over pasture and water resources. Since 1994, these communities have co-existed relatively peacefully.

More significantly, while the foreign military and diplomatic interventions in the first half of the 1990s failed to end Somalia's political crisis, Somalis themselves made progress in reconciliation and establishing public authorities. The most successful and sustained of these processes took place in the secessionist Somaliland state, following the SNM's declaration of independence from Somalia in May 1991 (see volume V). The Burao conference, at which independence was announced, was one of numerous inter-clan conferences in Somaliland between 1991 and 1997 that promoted reconciliation, facilitated disarmament, and established political and administrative structures in the former northern regions<sup>8</sup>. Between 1993 and 1994 many other agreements were reached in Somalia, although most of them were short lived<sup>9</sup>. One that survived is the June 1993 Mudug peace accord between the forces of General Aideed and the SSDF, which established a ceasefire between the Haber Gedir and the Majeerteen, the withdrawal of militia from Galka'yo town and the opening of trade routes. UNOSOM also supported the Hirab reconciliation in Mogadishu in January 1994 between elders of the chief rival clans, the Habr Gedir and the Abgal, backed by the politicians of the two clans, which reached agreement to end hostilities, remove road blocks, and dismantle the green

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7 Significant instances included Aideed's attack on Bay and Bakool to overthrow the Digil-Mirifle administration and conflict in Mogadishu between Aideed and his former financier, Osman Atto, resulting in the death of Aideed in July 1996; and armed conflict in Somaliland in 1995-6 for the first time since the 1991 proclamation of secession.

8 For a detailed description of this process see the 2008 publication *Peace in Somaliland: An Indigenous Approach to State-Building*, by APD and Interpeace.

9 For a description of some of these see the 2008 publication, *Community-based Peace Processes in South-Central Somalia*, by CRD and Interpeace.

line dividing the city. Another significant development was the creation in March 1995 of the Digil-Mirifle Governing Council for Bay and Bakool regions. The Council did not survive the departure of the UNOSOM because Aideed's forces overran Baidoa soon afterwards. It nevertheless established a precedent for the decentralised administration of those regions.

## **Building Blocks and Regional Initiatives**

Until 1995, the United Nations and United States were the leading players and sponsors in Somali national peace talks. The Organisation of African Unity had assigned Ethiopia the lead role in Somalia in 1993 and, after UNOSOM's mandate ended, Ethiopia started to play a much more active role. The diplomatic initiative passed to the so-called 'frontline states' of Kenya, Ethiopia, and Djibouti, under the reformed Inter-governmental Agency on Development (IGAD)<sup>10</sup>, whose mandate was revised in 1996 to include peace and security, thus giving the body a mandate to intervene in Somali affairs. The on-going engagement of regional states has been driven as much by their own security and economic interests, as by a concern to end the Somalia's political turmoil, and divisions between these states has become an increasing hindrance to reconciliation in Somalia (Healy 2008). The Islamic states of Egypt, Libya and Yemen have also made periodic endeavours to broker settlements, again largely driven by geo-political and economic interests. The influence of competing regional and international interests in Somalia is illustrated by rival efforts in 1996 and 1997 to mediate an accord to establish Somali government at the Sodere and Cairo talks respectively.

In October 1996, the Kenyan president, Daniel Arap Moi, sought to broker an accord between Ali Mahdi, Hussein Aideed and Osman Atto in an attempt to pacify Mogadishu. President Moi's efforts were soon upstaged when Ethiopia convened a much larger national conference in Sodere. The Sodere talks, which stretched from November 1996 to January 1997, involved some 41 Somali leaders, representing 26 factions, and included Colonel Abdullahi Yusuf, Ali Mahdi Mohamed, General Umar Haji Mohamed 'Masale', General Mohamed Said Hersi 'Morgan', Osman Atto, Hassan Mohamed Nur 'Shati-gudud', Hussein Haji Bod, Mohamed Ramadan Arbow, Umar Hashi Aden, and Mohamed Abdi Hashi. The participants agreed to form an alliance - called the National Salvation Council (NSC) - and to hold a further National Reconciliation Conference in Bosasso. The most lasting legacy of the Sodere conference is the '4.5 formula' for fixed proportional representation by clan, which has been employed at subsequent Somali reconciliation conferences.

The Sodere talks were boycotted by Hussein Aideed and by Somaliland. Indeed, it seems clear that a key aim of the Sodere talks was to forge a coalition of like-minded factions against Hussein Aideed's self-proclaimed Salballar 'broad-based' government, of which he became leader after the 1996 death of his father General Mohamed Farah Aideed. Aideed had become a foe of Ethiopia, accused of collaborating with Islamic groups who were considered a threat to Ethiopian national security. Some Somali analysts argue that Ethiopia's main goal in establishing the Sodere group was to legitimize its military incursions into Somalia to destroy bases of the militant Islamist group, Al-Itihad Al-Islami, which was accused of carrying out attacks against government targets inside Ethiopia. Ethiopia mounted major operations against Al-Itihad bases in Gedo in 1996 and maintained a strong military presence in the area in 1997. They claimed to have killed non-Somali foreign fighters and captured documents proving the linkage between Al-ithad and Al-Qaeda's network<sup>11</sup>.

Ethiopia's efforts to forge a political alliance were challenged by competing initiatives in the Arab world. In May 1997, the Yemen government mediated between Hussein Aideed and Osman Atto, each leading a splinter

<sup>10</sup> The Inter-governmental Agency on Drought and Development (IGADD) was renamed IGAD. The member states are Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda and Eritrea (from 1993 until it suspended its membership in 2007).

<sup>11</sup> Gen. Jama Mohamed Ghalib (2002) Who is a terrorist? Page 4

of the fragmented SNA, to end the hostilities in South Mogadishu, and in November the government of Egypt convened a conference in Cairo. The aim of the Cairo Conference was ostensibly to reach agreement between Hussein Aideed's Salballar government and the NSC that emerged from Sodere to form a national government. However, at the last minute some prominent NSC faction leaders - Abdullahi Yusuf and General Aden Abdullahi Nur "Gabyow" - pulled out of the talks, ending any chances of a positive outcome.

The continuing disagreement among the parties led to the creation of two new regional administrations: in Mogadishu, the Benadir Administration was formed, chaired alternately by Hussein Aideed, Ali Mahdi and Osman Atto. Supported by Egypt and Libya, the initiative soon collapsed due to the failure of its leaders to agree on reopening the capital's seaport and main airport. The more successful outcome was the formation of Puntland Federal State of Somalia, incorporating the North East Regions, where Colonel Abdullahi Yusuf was selected as president in August 1998. In contrast to the Benadir Administration, the formation of Puntland was a community driven process which had the consent and support of the political leaders<sup>12</sup>.

In line with the creation of Puntland in 1998, the policies of Ethiopia and Western governments shifted focus to what became known as the "building block approach" to state revival in Somalia, which envisaged the federation of regional governments. For a brief period this approach showed some promise. Driven by new conflict dynamics in the region (the war between Ethiopia and Eritrea from 1998-2000), Ethiopia actively developed alliances with Somali factions to shore up its own security and deny openings for Eritrea. In 1999 the Rahanweyn Resistance Army (RRA), backed by Ethiopian, took control of the southern regions of Bay and Bakool and established a regional administration with aspirations to extend its interests into Gedo and Lower Shabelle. An all-Hawiye peace conference in Belet Wein also raised hopes of reconciliation within the Hawiye clan-family. These developments coincided with a period of economic growth and reconstruction in many areas and the economic integration between the Somali regions facilitated by the development of new businesses in money transfer, telecommunications and trade. This period also saw the growing influence of Islamic courts, which provided much desired security and law in southern Somalia, Islamic charities, particularly in Mogadishu and Lower Shabelle, and an emergent civil society. However, while a combination of a community-driven political processes and strong leadership produced a functional administration in Puntland, the Benadir Administration collapsed, and splits emerged within the RRA. Over the next two years, regional governments continued to provide good offices for mediation, with Kenya's President Arap Moi hosting several meetings to mediate between Mogadishu factions. All proved short term.

## **The Arta Process**

The "building block" approach was viewed with suspicion by clans which controlled the capital city and which believed a federal system would harm their interests. Some Somalis suspected it was a divisive ploy of Ethiopian regional policy designed to exacerbate clannish tensions among Somalis. The year 2000 saw a step change in international diplomatic efforts, when the Djibouti government, led by its new President Ismail Omar Guelleh, hosted the Somalia National Peace Conference in the small town of Arta. The process was endorsed by Egypt and the UN which engaged in its first modest mediation efforts since 1994. The 'Arta process', as it is commonly known, achieved an important political breakthrough, producing a power-sharing agreement in August 2000 to establish a Transitional National Government (TNG), with a Transitional Charter for government, and a significant degree of national legitimacy. This was due, in part, to an innovative peace process that consulted with Somali society beyond the usual faction leaders, including clan elders, civic leaders and business people. It utilised the so-called '4.5 formula' developed in Sodere<sup>13</sup>,

<sup>12</sup> For a detailed description of this process see the 2008 publication "The Puntland Experience: A Bottom-Up Approach to Peace and State Building", by Interpeace and PDRRC.

<sup>13</sup> Initial research indicates that the concept for the '4.5 formula' originated at the Nationalities Institute in Addis through discussions on ethnic federalism in the 1980s (Interpeace 2009).

introducing a system of fixed proportional representation of Somali clans in negotiations and in transitional governments. This allotted an equal number of places to each of the four major Somali clan-families with a half place allotted to minorities and women. The Arta conference also revived the notion of a unitary, rather than federal, state in Somalia.

The TNG, with UN backing, became the first Somali authority to fill Somalia's seat at the UN and in regional bodies since the fall of Siyad Barre. But, critically, it failed to win the backing of all the neighbouring states and the confidence of donor governments. The Arta process had engaged opposition figures from each of the 'blocks', setting the scene for inevitable conflict; the 'blocks' were all aligned with Ethiopia, generating hostility to the TNG in Addis; and the Arta process was backed by Egypt, a strategic rival of Ethiopia. Ethiopia was also concerned about the role and influence within the TNG of the Islamist leader Hassan Dahir Aweys (formerly head of Al-Itihad Al-Islamiya) and others associated with Al-Itihad who, inter alia, made irredentist claims on Somali-inhabited land in Ethiopia. It actively supported the establishment of an opposing alliance of military factions, called the Somali Restoration and Reconciliation Council (SRRC). In Somalia the TNG failed to follow through on the reconciliation efforts begun in Arta to produce a government of national unity. Ultimately it became associated with the powerful Mogadishu clans and business class, and public support for it waned in the face of accusations of corruption. The revival of a central government bucked the trend towards decentralised regional authorities and threatened the power-bases of powerful political leaders. It was unable to project its authority within Somalia, where it was openly opposed by the SRRC. The Ethiopian backing for the SRRC further highlighted how the interests of neighbouring countries had become a hindrance to reconciliation in Somalia.

The advent of the 'Global War on Terror' in 2001 further eroded the TNG's reputation. In the climate of heightened international insecurity that followed the 9/11 attacks on mainland America, Somalia was identified as a likely haven for Al Qaeda associates. The largest Somali money transfer company was closed down for suspected financial links to Al Qaeda, while the growing influence of Islamic Courts in Somalia and Islamic charities amplified suspicions about the TNG's links with militant Islamists (Le Sage 2004). This strengthened Ethiopia's hand diplomatically, gaining international support for their concerns and getting Aweys on the UN list as having links with international terrorists (as opposed to a local enemy). Ethiopia and its Somali allies also used these concerns to further their own ends.

Given subsequent events, the TNG is viewed by some Somalis as a 'lost opportunity' to which the international community failed to adequately respond. It also demonstrated the difficulty of a securing a lasting agreement that does not address the 'interests' and needs of both internal and external 'spoilers'. Although it had a Charter for government, this did not clearly define the tasks of government. While it arrived in Somalia with a degree of goodwill and expectation from Somalis, it failed to build upon that and extend its authority in Mogadishu.

## **The IGAD Initiative**

In 2002, with the TNG considered increasingly irrelevant, foreign governments began to engage in renewed diplomatic efforts in Somalia. IGAD inaugurated a process with the intention of bringing the Djibouti-backed TNG and its Ethiopian-backed opponents in the SRRC into a comprehensive political settlement. The IGAD-led Somalia National Reconciliation Conference (SNRC), held in the Kenyan towns of Eldoret and Mbagathi and mediated by Kenyan diplomats, was supported by the UN and financed by the European Union and other Western donors. It proved to be the longest Somalia peace conference, lasting a full two years, during which the mandate of the TNG expired. External finances sustained the process until a Transitional Federal Charter was adopted and a Transitional Federal Parliament was selected, which duly chose Abdullahi Yusuf as the president in October 2004 for a five year transitional period.



The Kenyan peace process involved a mixture of political and military leaders, traditional elders, and civil society leaders but was dominated by faction leaders. It was designed in three phases to achieve a declaration on a cessation of hostilities, agreement on substantive conflict issues and a charter for government. The talks stalled and were interrupted by violations of the weakly drafted 'ceasefire' several times, until a breakthrough occurred in August 2004 when selection of parliamentarians was completed. The process was heavily criticized for corruption and the influence wielded by Ethiopia. In direct opposition to the Arta process, the Transitional Federal Charter proposed a federal structure for the state and set out the transitional tasks of the government and its institutions.

From its inauguration in December 2004, the TFG won immediate international recognition and substantial financial support was also anticipated with the inauguration of a World Bank and UNDP Joint Needs Assessment of the country's rehabilitation and development requirements. The TFG relied heavily on sustained international financial and military support but, like its predecessor, the TFG fell well short of serving as a national government. Instead power was concentrated in a narrow clan coalition, and the TFG was viewed as a client of Ethiopia. A Mogadishu-based coalition, comprising dominant clans from the capital, Islamists, leaders of the previous TNG, and warlords, formed an opposition to the TFG and blocked it from establishing itself in the capital. In 2006, the ascendant Islamic Courts Union (ICU) defeated rival militia leaders in Mogadishu and spread its authority across most of south-central Somalia. Mediation efforts by the Arab League in Khartoum between the TFG and the ICU failed in the face of bellicose threats by elements of the ICU to launch a jihad against Ethiopia, which had moved forces into Baidoa in August to protect the TFG. In late December 2006, Ethiopian forces swept the ICU from power, and installed the TFG in Mogadishu. External pressure on the TFG to negotiate with Mogadishu-based opposition in order to form a more inclusive transitional government met with limited success.

Efforts by the TFG and Ethiopia to impose their authority through force provoked violent resistance from a mixture of Mogadishu-based clan militia and the remnants of the militant wing of the ICU – al Shabaab al Mujahidiin ('the Mujahideen Youth Movement'). During 2007 alone, fighting between the TFG and the insurgency caused the deaths of several thousand civilians, the displacement of up to 700,000 people from Mogadishu, and widespread destruction of the city. In early 2007, a small contingent of African Union peacekeepers (AMISOM) was deployed to Mogadishu in advance of a proposed UN peacekeeping operation to protect the Transitional Federal Institutions (TFIs). The AMISOM force, however, was deployed with a confusing and contradictory mandate and was ill-equipped to intervene. Up to early 2008 several UN assessment missions have concluded against an expanded UN peacekeeping operation, a position shared by the Report of the Secretary-General to the Security Council in April 2009.

During his four years in power, Abdullahi Yusuf's government failed to implement any of the transitional tasks set out in the Transitional Federal Charter. By inviting Ethiopia to intervene militarily to oust the ICU from Mogadishu, the TFG lost any semblance of legitimacy and singularly failed to impose its authority over the country. In 2008 a further round of mediation efforts was initiated by the UN to end the fighting between the TFG and proliferation of armed opposition forces. By late 2008, Somalis inside Somalia were experiencing the worst humanitarian and political crisis since the early 1990s.

## **Mediation in Somalia – Ongoing Debates**

There is no consensus view on why external mediation efforts since 1991 have borne so little fruit in Somalia. Judgments rendered on the effectiveness of mediation efforts in Somalia are inextricably tied into broader debates over the intractability of Somalia's long crisis. The debate can be broken down into several schools of thought. These are not mutually exclusive, but rather differ in their emphases on the causes of Somalia's protracted crisis.

## **Domestic spoilers and constraints**

Many observers place primary blame for Somalia's protracted crisis on Somalis themselves. This argument has many variations. The most frequently cited is the argument that Somalia's multitude of "warlords" are to blame for repeatedly spoiling peace processes and efforts to revive state authority. A more nuanced view of Somali spoilers claims that a wide range of local actors, including businesspeople and some civic leaders, also profit from continued state collapse and work against efforts to revive a central state even as they work to promote general stability and public order. Still others argue that Somalia's inability to "get to yes" reflects widespread public fear that a revived central state will be used as a tool of oppression and expropriation as occurred under Siyad Barre. Apart from spoilers, Somalia's leadership deficit – uninspired, myopic Somali political leaders who fail to compromise – are blamed by some observers. More than a few critics have pointed to the rise of "peace conference entrepreneurs," a class of Somali political leaders who have a strong interest in perpetuating national reconciliation conferences that put them up in luxury hotels for months or years at a time, but who then fail to implement accords. Finally, Somali political culture – specifically, clannism – is cited as an impediment to reconciliation. Clan-based politics is viewed both as intrinsically divisive and as imbuing Somali politics with chronic instability and fluidity, making it exceptionally difficult to hold together alliances for any period of time.

Assessments which place primary blame for the Somali impasse on Somalis themselves are understandably popular with many external actors. This line of reasoning – one also expressed by some Somalis – can lead to cynical or fatalistic positions that "nothing can be done" to resolve the Somali crisis. But it can also lead to more constructive interpretations focusing on the need to reshape the interests of spoilers, marginalize intrinsic spoilers (i.e., the "warlords"), improve confidence-building measures, propose state reconstruction models which are non-threatening to anxious citizens, and explore mechanisms to incorporate the most beneficial or unavoidable aspects of clan-based politics into peace talks while minimizing clannism's penchant for divisiveness.

## **External spoilers and impediments**

Most (if not all) external actors have approached the Somali crisis from the perspective of their own national security interests and there has been very little disinterested mediation: the Somali parties have behaved accordingly. The claim that some external actors have a vested interest in perpetuating Somalia's state of war and collapse is very popular among Somalis and can, in its cruder variations, constitute a conspiracy theory. This argument points principally at the interests and actions of neighbouring Ethiopia, which, it is claimed, fears a revived Somali state due to Somalia's history of irredentism and war with Ethiopia. Ethiopia is blamed for sabotaging the TNG in 2000-02 and attacking the rising ICU in 2006. A lively debate exists over whether Ethiopia is willing to support the revival of a Somali state as long as that state exists on its terms – namely, as a decentralized, weak, and compliant neighbour – or whether it ultimately prefers perpetuation of state collapse. Other analysts point to the tendency for regional rivals to play out proxy wars in Somalia – Ethiopia and Egypt in the late 1990s, Ethiopia and Eritrea in recent years.

By stressing the existence of powerful external interests in perpetuating the Somalia crisis, this school of thought has troubling implications for mediators. It implies that even the most effective mediation efforts are likely to be undone by external spoilers. It also points to the need for region-wide security guarantees if the Somalia crisis is to be successfully resolved. Specifically, it suggests that no sustained peace in Somalia can be reached until Ethiopia and its principal Somali adversaries – the Mogadishu-based clans and Islamists -- are brought together to hammer out some sort of modus vivendi. Talks which fail to convene the two current main antagonists in the Somali drama are unlikely to produce peace and are in many respects a diversion of time and energy.

## **Missed opportunities – failures of diplomacy/ poor mediation**

Many observers, including some with first-hand diplomatic experience in Somalia, argue that the Somali crisis has constituted a series of missed opportunities for external mediators. Some emphasize the lack of international political will and interest in addressing Somalia. The UN comes under harsh criticism in some analyses for its inattention to Somalia in the early years of the crisis (1988-92), while the US is blamed for its unwillingness to address Somalia following the failed UNOSOM mission. Others focus on the lack of follow-through and the failure of external actors to provide timely, robust support to newly-declared transitional governments. This was a central feature of the debate in 2000 and 2001 between those who argued for a “wait and see” approach to the TNG versus those who advocated immediate aid in order to “prime the pump” and build confidence in the fledgling government. (A similar debate occurred in 2004 and again in 2009.) This latter view stresses that the months immediately following peace accords constitute a brief ‘window of opportunity’ which is lost if external assistance is delayed and the fledgling government fails to earn “performance legitimacy” in the eyes of the Somali public.. Other critics of external mediation in Somalia focus not on political will but on poor performance. The UN and other mediators have been accused of bungling peace talks due to gross incompetence, weak capacity, lack of neutrality, conflicts of interest, insistence on inappropriate timeframes, and lack of understanding of Somali political culture. These were especially popular criticisms of UNOSOM mediation in 1993-94, and resurfaced again in critiques of the Eldoret phase of the Kenyan-based peace talks in 2002-04.. Added to this are criticisms that external actors fail to coordinate their policies and have rival interests, resulting in opportunities for Somali leaders to engage in “forum shopping.” Another critique of mediation which is periodically voiced is the practice of isolating delegates in foreign hotels instead of convening the conferences in country. While some of these criticisms are unfair, ad hominem attacks on mediators, others reflect accurate concerns about the very uneven quality of external mediation over the years.

## **Misdiagnosis – failure of analysis**

Diagnosis first, prescription second – the maxim of physicians – holds true for mediation as well as medicine. In Somalia, some mediation efforts have come under criticism for misreading the Somali conflict and context, and hence proceeding with inappropriate mediation techniques. This has been an especially prominent criticism with regard to critical pre-negotiation decisions about Somali representation. How external mediators understand and manage the contentious issue of clannism in Somali debates over representation has proven especially vexing. In some cases, external mediators have been accused of indifference to Somali realities – imposing a fixed mediation template on Somali delegates. In other instances, mediators have been criticized for trying to understand the Somali conflict but getting it wrong. The problem with these criticisms is that no consensus exists on the diagnosis of Somalia, so that mediators find themselves under fire for “misreading” Somalia no matter what course of action they take.

## **Neglect of security arrangements as a pre-requisite for negotiations**

Another feature of the criticism of misdiagnosis, especially of the most recent peace processes, relates to the virtual absence of strategic focus on security arrangements in peace accords, possibly reflecting a lack of technical expertise in this area amongst political mediators. Poorly drafted Cessation or Ceasefire agreements (such as those in the Arta and Eldoret/Mbagathi processes) without implementation mechanisms, verification and monitoring arrangements, or supervisory institutions have not proved sustainable and violations of these agreements undermine ongoing political negotiations. More significantly, when mediators have failed to address the critical issue of transitional security managements, the armed parties have not engaged in processes to negotiate and develop interim joint security responsibilities. Instead, the ‘winner’ in negotiations is automatically vested with international authority to establish new national security institutions as the legitimate government and the ‘losers’ face demands to disarm and disband their armed forces or

allow them to be integrated or demobilised on the 'winner's' terms. The absence of a serious negotiation process regarding security arrangements and the implicit acceptance that transitional governments automatically receive the authority for a monopoly of the use of force clearly threatens the 'losers' in such peace processes. Moreover this approach, which simplistically equates statebuilding with peacebuilding, is unlikely to create sustainable security given both the clan content of the transitional governments and the historical experience of Somalis with regard to the threat posed by a state with a monopoly on the use of force. On the contrary, given that the 'winner takes all' security strategy is ultimately based on the use of force to re-establish the state, it inevitably provokes armed resistance.

## Issues and Lessons Learned

Despite a lack of consensus in the assessment of failed mediation efforts in Somalia, a number of general lessons can be drawn from the Somali case.

- ***The unique context of a collapsed state.*** Mediating conflicts in a context of complete state collapse creates unique negotiation problems. The absence of the state removes a political-legal framework that mediators are accustomed to working with; tends to result in highly fragmented and disputed representation; and means that reconciliation efforts must be twinned with daunting challenges of reviving collapsed state structures.
- ***Somali ownership.*** The record since 1988 clearly shows that peace processes which lack Somali ownership consistently fail: those which maximize Somali ownership of the process have enjoyed greater legitimacy and in some cases, such as the Borama peace talks in Somaliland, have succeeded. Somali ownership is not to be confused with the use of traditional customs or authorities, though those may come into play. Compounding the problem of local ownership is the fact that external actors, who normally pay for the reconciliation processes, have had a stronger desire to finalise a peace deal than the Somali representatives themselves, a situation which Somali political figures have quickly exploited.
- ***Externally-situated and funded mediation.*** The fact that most of Somalia's national reconciliation conferences have been held outside Somalia and funded by foreigners has been the subject of growing criticism. Some critics are arguing that future peace talks must be held inside Somalia and paid for by Somalis, to give them maximum ownership and to make negotiators more accountable to their constituents. Others point out that the experience of the National Reconciliation Congress, which was held in Mogadishu in 2007 and which was manipulated by TFG leaders to exclude important constituencies, demonstrates that the location of talks is less important than the good intentions of the delegates who attend them or those who convene them.
- ***Identifying legitimate and authoritative representatives.*** Mediators have consistently been caught in disputes over representation in Somali peace processes. This debate has occurred on multiple levels. Should clans be explicitly used as the basic unit of representation, via the '4.5 formula' of fixed proportional representation? If not, on what basis should Somalis represent themselves? And even when the basis of representation is determined, which types of leadership within each delegation should be privileged – militia and political leaders, clan elders, civil society leaders, or a combination of all? This choice is unavoidable in the early phase of talks: thereafter, processes can be agreed upon for election or selection of representatives. Years of experience in mediation have not resolved these questions but have yielded some lessons learned. First, it is important not to equate the 4.5 formula of clan proportional representation with a government of national unity. Narrow political coalitions have consistently managed to emerge within the 4.5 formula and such narrow clannic coalitions cannot be

expected to successfully inherit a legitimate right to establish national security architecture. Put another way, external accords need to improve their ability to assess and understand the true quality and legitimacy of representation in Somali peace talks and governments. Second, evidence suggests that traditional clan authorities imbue talks with much greater legitimacy, but that elders are no panacea; they are often poorly-placed to handle complex issues of government, and can be bribed and co-opted. The Somaliland experience suggests that traditional authorities are most effective when partnered with “intellectuals” from civil society. The UNOSOM experience underscores both the fact that peace processes which convene militia leaders enjoy little local legitimacy, and that any attempt to marginalize militia leaders will be met with resistance. Interpeace’s experience of facilitation indicates the need to define and engage ‘opinion makers’ of all types, including elders, intellectuals, business figures, poets, religious leaders, etc.

- ***Lack of documentation of and accountability for war crimes.*** The failure to document war crimes over the past two decades in Somalia has reinforced the sense of impunity by the perpetrators and lack of accountability for failing to uphold agreements, a recurring theme in national peace processes. Due attention by regional and international actors to issues of transitional justice would also support efforts towards good governance.
- ***Peace-building versus state-building.*** The Somali experience has repeatedly demonstrated that while reconciliation is often viewed as potentially “positive-sum” by Somali communities, the revival of a central government is viewed by most as a zero-sum exercise, involving winners in control of the state and losers who fear that their rivals will use the state apparatus as a tool of domination at their expense. This is intimately linked to the negative Somali historical experience of the state, and is often a major source of misunderstanding between mediators – who view the state as an essential enabler for governance, economic recovery, and security – and many Somalis, who have come to see the state as a predator and threat to community security. This dynamic explains the otherwise puzzling pattern of behaviour among some Somali business and civic leaders, who enthusiastically promote and finance communal peace, basic security, and informal systems of rule of law, but who oppose and undermine efforts to revive a central state. Finding ways to reduce the threat that a revived central government poses to some constituencies – i.e. addressing security arrangements in a strategic manner – is a vital task in Somalia. In theory, an effective transitional charter or constitution clearly delimiting the authority of the state would go a long way to addressing this concern, but Somali political figures have shown a consistent disregard for constitutions and a tendency to maximise state authority.
- ***The transitional government dilemma -- conflict resolution versus power-sharing.*** Most of the national reconciliation conferences convened on Somalia since 1991 have privileged the brokering of a power-sharing agreement for a transitional central government over actual conflict resolution. At their worst, some of the conferences have degenerated into crude cake-cutting exercises in which the agenda is reduced to allocation of cabinet positions by clan and faction. External mediators have been partly to blame, as they have been consistently tempted to use the revival of a central government as the yardstick of success rather than the less tangible but equally important resolution of conflict. Although the Arta conference addressed reconciliation within the context of the process, the only peace conference which systematically sought to promote reconciliation of key conflict issues as a precondition for power-sharing discussions – the Mbagathi peace process 2002-2004 – met with frustration when Somali political rivals demonstrated no interest in addressing matters such as occupied land and stolen property, or the status of revenue-generating real estate (such as seaports), without which the transitional governments are entirely dependent on donor assistance. The result has been transitional governments of national unity which neither govern nor are united. Nevertheless, a common feature of several national conferences (including Arta and Mbagathi) has been agreement on a charter to be

followed by a constitution-making process in the transitional period, providing a potential focus for widening reconciliation while also supporting the statebuilding process.

- ***Managing spoilers.*** Somalia's wide array of spoilers – warlords, businesspeople profiteering from a war economy, clans unhappy with their allocation of seats in a new government – has never been adequately managed by external mediators. One lesson learned from Somalia is the willingness of spoilers to play along with peace processes, sign accords, and temporarily join transitional governments even as they intend to sabotage the effort. Somali spoilers generally prefer to undermine peace-building initiatives and governments of national unity by joining them and destroying them from within, not openly opposing them. A more hopeful lesson has been learned about the nature of spoilers in Somalia. Most are not intrinsic spoilers – that is, individuals or groups with an existential reason to oppose any and all peace accords and efforts to revive the state. Most are situational spoilers, whose opposition to peace processes and revived governments springs from how these processes harm their immediate interests. Somalia has conclusively demonstrated that those interests can and do change over time. Many of the business community in Mogadishu that today seeks rule of law and peace were in an earlier period part of the war economy. By focusing on the interests of potential spoilers, we open the door toward mediation strategies designed to reshape their perceptions of their interests.
- ***Proxy wars and external spoilers.*** In the early to mid-1990s, it was difficult to make the case that external actors were complicit in preventing peace and state revival in Somalia. The massive UNOSOM operation was a huge international commitment to peace and state-building in the country and neighbouring Ethiopia played a very constructive role in helping to convene Somali parties during the 1993-1995 period. Since then, however, external spoilers have become an important additional obstacle to peace in Somalia. As noted in section three, this places a premium on mediators correctly identifying the real parties to the Somalia conflict, such as Ethiopia and its Mogadishu-based Somali adversaries, and working to get them to agree on some form of co-existence.
- ***Security and stabilisation.*** Security and safety are critical concerns of Somali communities and clans. These dimensions require strategic attention and focus from international mediators and cannot simply be addressed as technical additions to political agreements between the main parties. Resistance to the notion of a state monopoly on the use of force and the centralisation of such military force by the state is widespread and based on Somali experience. Attempts to impose this model on any Somali peace process will generate opposition, if not active armed conflict. A consensus-based approach, allowing for joint command and joint security responsibility, appears to provide the only realistic transitional security management system for Somalia. Furthermore, this strategic approach provides greater opportunities for addressing the concerns of “situational spoilers” whose opposition to the revival of government is rooted in the specific ways in which they perceive this to affect their immediate interests, as described above.
- ***Unified external support for mediators.*** A growing problem in Somalia has been identification of an appropriate and effective mediator. Many of the countries eager to play the role of mediator are not seen as neutral inside Somalia, or have a history there which renders them suspect in the eyes of some Somalis. The UN itself has a controversial and difficult history in the country, eroding its potential to broker peace talks. Because the Somali crisis has increasingly reflected a divide between factions backed by Ethiopia and Kenya versus those enjoying backing in the Arab world, neither the African Union nor the League of Arab States are viewed as neutral on Somalia affairs. The regional organization IGAD is itself divided and viewed by many Somalis as currently dominated by Ethiopia and Kenya. Whichever state or organization serves as mediator, it stands a much better chance of winning the confidence of all Somali parties when the international community makes a concerted effort to close ranks and provide unified

support to that mediator. When external actors have pursued competing agendas, Somali actors have exploited the divisions to engage in “forum shopping.”

- ***Sustained, weighty mediation efforts.*** Too many external peace initiatives have constituted little more than dabbling by states or organizations uncommitted to a sustained diplomatic effort. Somalis are quick to perceive when an external mediator lacks gravitas or the strong backing of his or her organization. Many observers are now arguing that what Somalia needs is an external initiative for peace that approximates the sustained South African commitment in Burundi or the sustained, high-visibility and well co-ordinated international role in the talks in Sudan which led to the Comprehensive Peace Accord.

# The Addis Ababa Agreement of 1993<sup>14</sup>

Of the dozen failed national reconciliation conferences in Somalia since 1991, the Addis Ababa Agreement of March 27 1993 stands out as the most consequential both for Somalia and the world. The stakes were enormous; the Addis Ababa Agreement formed the centerpiece of the political strategy for reconciliation and state-building for the ambitious UN Operation in Somalia (UNOSOM). Had the Agreement succeeded, Somalia would have been spared 15 subsequent years of warfare, fragmentation, and state collapse, and global support for the emerging doctrine of multilateral peace enforcement would have been solidified. Instead, the failure of the Agreement and the UNOSOM mission provoked a strong backlash against UN peace enforcement which contributed directly to international inaction in the Rwandan genocide of 1994 and which took years to rectify. The failure of the Addis Ababa Agreement also produced a backlash against Somalia, which came to be viewed as an intractable crisis and which was largely ignored by the international community for years afterwards.

For our purposes, the Addis Ababa Agreement is also important as a case study replete with vital lessons about national reconciliation processes in Somalia. Some aspects of the Accord reflect intractable and unavoidable problems of reconciliation in Somalia; others constitute mistakes that have been duly noted and avoided in subsequent Somali peace processes, still others form the basis for unresolved debates that continue to swirl around peace processes in contemporary Somalia. Because of the extensive role played by foreign mediators in the Addis Ababa Agreement, the case study devotes more attention to lessons for external actors in Somalia.

This case study assesses the context in which the Addis Ababa Agreement was brokered, the key early decisions about representation and process, the role of external mediators, the process of negotiation, the wording of the accord, the challenges of interpretation and implementation, and the role of spoilers<sup>15</sup>.

## Context

The Addis Ababa Agreement of March 1993 was a UN-sponsored agreement among fifteen Somali factions, following on from the January 1993 General Agreement at the Informal Preparatory Meeting on National Reconciliation. Collectively these two short accords pledged the factions to a cease-fire, a process of cantonment and disarmament of militias, support to UN operations to deliver humanitarian and rehabilitation assistance, peaceful settlement of disputes, and a framework for the creation of a Transitional National Council as well as regional and district councils. The Addis Ababa Agreement was intended to provide a basic blueprint for the establishment of transitional Somali government structures to maintain public order and guide a two year transitional process, during which time a Transitional Charter would be drafted and steps taken toward the holding of elections in March 1995, bringing to an end both the transitional period and the UN peace operation there. The Agreement was, as such, the linchpin for the entire process of national reconciliation and statebuilding entrusted to the ambitious UN Operation in Somalia (UNOSOM).

Both the Addis Ababa Agreement and the 20,000 or more UN peacekeepers deployed to Somalia in December 1992 were intended to put an end to a civil war and massive famine that had claimed the lives of an estimated 250,000 Somalis in 1991-92.

14 The full text of the Addis Ababa Agreement of March 1993, as well as preliminary agreements reached in January 1993, can be accessed at the US Institute of Peace website, [http://www.usip.org/library/pa/somalia/pa\\_somalia.html](http://www.usip.org/library/pa/somalia/pa_somalia.html)

15 Much of the material information provided in this case is derived from the first-hand experience of the author, who served in UNOSOM as a political officer for nine months in 1993-94.



The civil war that spawned Somalia's famine of 1991-92 began in 1988 in northern Somalia, pitting government forces against the Somali National Movement. By 1990 government forces faced multiple armed liberation movements, and the besieged Barre regime was forced to retreat to a few strongholds<sup>16</sup>. In January 1991 the Barre regime fell, and remnants of its leadership and fighting forces fled to the Jubba and Gedo regions of southern Somalia, where they formed their own armed factions.

Several disastrous developments occurred shortly thereafter. First, the clan-based liberation fronts (later called factions) were unable to agree among themselves on the creation of a successor government, leaving Somalia in a state of prolonged collapse. This was due in part to the fact that the Barre regime had so effectively sowed seeds of distrust between the different clans through years of divide and rule politics, but myopic factional leadership was also to blame. Second, the armed factions began fighting one another, plunging the country into a destructive civil war. Third, the factions split along sub-clan lines, reflecting a centrifugal political dynamic which made it very difficult to maintain cohesive alliances in the country. Finally, the militias fighting the war were unpaid and quickly came to devote themselves to looting civilian populations caught in the middle of the civil war. Repeated looting of unarmed farming communities created widespread famine in what came to be called the "Triangle of Death." Because the war pitted clan-based factions against one another, virtually the entire country, including the capital Mogadishu, was subjected to campaigns of ethnic cleansing which produced massive levels of displacement and one of the worst refugee crises of the era. The war and pillaging also reduced much of the capital to rubble and destroyed almost all government buildings<sup>17</sup>.

The large-scale humanitarian relief operation which was mounted in response to the famine faced unprecedented challenges in what would later be termed a "complex emergency." Food relief became a valued item over which factions fought, contributing to the rise of a war economy in which factions were actively profiteering from the humanitarian crisis they had created. Intensive media coverage of the war and famine placed pressure on Western governments and the UN to do something to halt a catastrophe that appeared to be orchestrated by warlords and their teen-age gunmen.

A decision was made by then US President George Bush Senior to call for a major US-led peace enforcement mission into Somalia in December 1992. "Operation Restore Hope," as the US operation was called, was an unprecedented commitment by a "lame-duck" President who had lost a bid for re-election and was about to hand over the reins of power to the Clinton administration. The US decision was driven by a desire to use Somalia as a test case for UN peace enforcement in the post Cold War era (Menkhaus and Ortmyer, 1995). Fatefully, US officials involved in the decision at the time acknowledge that Somalia was chosen because it looked doable – because, as one official put it, "it was not Bosnia" (Menkhaus and Ortmyer, 1995). The first phase of the operation, known as UNITAF (Unified Task Force) was a US-led mission comprising 37,000 soldiers from over 20 contributing countries. UNITAF operated with UN Chapter VII peace enforcement mandate that authorized it to use "all necessary means" to create a secure environment for the delivery of humanitarian aid<sup>18</sup>. The UNITAF mission was intended as a very short-term operation, to be handed over to a UN-led peacekeeping force as quickly as possible. The UN operation would be responsible for the much more challenging tasks of promoting national reconciliation and state revival.

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16 The most important of the "first generation" of armed factions formed to fight the Barre regime included the Somali Salvation Liberation Front (SSDF), United Somali Congress (USC), and Somali Patriotic Movement (SPM). In the aftermath of the fall of the Barre regime in January 1991, numerous other armed factions arose either as a reflection of clan imperatives to provide themselves with self-defence or as a means of earning politicians and their clans a seat at the negotiating table. Both the USC and SSC suffered splits, creating additional armed factions.

17 For more detail on the civil war and famine of 1991-92, see Terrence Lyons and Ahmed Samatar, *Somalia: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction*. Washington: Brookings, 1995.

18 UN Security Council Resolution 794 (1992); and UN, Department of Peacekeeping Operations, "UNOSOM I" <http://www.un.org/Depts/DPKO/Missions/unosomi.htm>

Not all Somali factions were initially receptive to the idea of a UN peace operation. Indeed, a small UN observer force ("UNOSOM I") sent in April 1992 and positioned at the international airport in Mogadishu was attacked by the Somali National Alliance led by General Mohamed Farah Aideed. Aideed himself deeply distrusted the UN and its Secretary-General Boutros Boutros-Ghali, and on numerous occasions voiced strong opposition to calls for a peace enforcement mission. But when confronted with a US-led intervention on such a scale, he shifted positions and welcomed UNITAF. Still, there was widespread suspicion that many militia leaders like Aideed viewed the intervention as a threat to their power base and interests, and would, if the opportunity arose, seek to undermine the mission.

On this score, the US government made an early and fateful decision not to extend UNITAF's work to include disarmament, even though the 37,000 man force from the top militaries in the world were much better positioned to undertake disarmament of the factions than would the follow-on UN operation. This policy, which was the subject of considerable debate inside the out-going Bush administration, reflected a commitment to keep the intervention a zero-casualty affair, out of fear that public and Congressional support would evaporate if US soldiers were killed in a humanitarian mission. This policy had the net effect of allowing the strongest militias to maintain their fighting capacity, which played into the hands of top militia figures in the Addis Ababa Agreement. Had they been disarmed, their power base would have been much weaker, and their capacity to play the role of spoiler diminished. On the other hand, a disarmament campaign would have risked triggering armed resistance to the UNOSOM operation even earlier.

UNITAF succeeded in breaking the back of the famine within weeks, securing passage for humanitarian convoys and enforcing a policy of keeping guns and battlewagons out of public view. Pressure to expedite the handover of the mission to the UN was strong, but was delayed until May 1993 – mainly because the UN had never been asked to assume control over such a large and politically ambitious peace enforcement mission. UN Security Council Resolution 814 established UNOSOM II (hereafter referred to as UNOSOM) on 26 March and authorized it with Chapter VII peace enforcement powers to maintain the peace, protect the flow of humanitarian aid, and promote state revival and reconciliation. As will be seen below, the specific wording of Resolution would prove decisive in later disputes over interpretation of the poorly drafted Addis Ababa Agreement.

The UN Department of Political Affairs (DPA) and the Special Representative of the Secretary-General (SRSG) for Somalia, Ismat Kittani, began preparatory work for a national peace conference as soon as UNITAF forces arrived in Somalia in late December 1992. Unfortunately, the UN's political team in Somalia had just gone through a period of turmoil in October 1992 when Mohamed Sahnoun, a diplomat with considerable knowledge of Somalia, resigned as SRSG under pressure following his public criticism of the UN. His replacement Kittani delegated day to day direction of UN mediation of the Addis Ababa Agreement to an official from UN DPA, Dr. Leonard Kapungu, whose understanding of Somalia was limited and whose leadership style deeply alienated Somali faction leaders. In January 1993 the UN convened fourteen faction leaders for an Informal Preparatory Meeting on National Reconciliation in Addis Ababa as a rump session to a humanitarian meeting on Somalia. It was at this meeting that the first General Agreement was reached between the faction leaders, committing them to a cease-fire and to a consultation process that would lead to a major national reconciliation conference in March 1993.

The UN political team had, under the leadership of Mohamed Sahnoun and with the facilitation of the Life & Peace Institute, sought input from country experts and Somali intellectuals in mid 1992, prior to the intervention. The consultative group of Somalia experts met with UN officials five times between mid-1992 and 1994 and the UN was consistently advised by both the external experts and Somali intellectuals to create more space for Somali civil society leaders in political dialogue and negotiations - the potential role of elders and women were emphasized. The UN was also warned that convening only the "warlords" for

peace talks would not succeed. Kapungo's team came under mounting criticism from Somali civil society and intellectuals in January to March 1993 when, as discussed in more detail below, it opted to convene fourteen Somali factional leaders as representatives to negotiate the General Agreement and the Addis Ababa Agreement. This was the genesis of an enduring debate in Somalia and the international community about the core question of representation in Somali national reconciliation talks, the legitimacy of militias leaders, and the appropriate role of the amorphous actor known as Somali "civil society."<sup>19</sup>

There are a number of general observations worth reinforcing about the unique context in which the Addis Ababa Agreement was negotiated and implemented:

- First, the Agreement was the centrepiece of the most ambitious UN peace enforcement mission in the world, one which was seen as a test case for UN "peacekeeping with teeth" as a means of managing the rise of regional brushfires in the post-Cold War era. It was as a result under heavy international scrutiny and the subject of media headlines around the world. No other Somali reconciliation process has been subject to this kind of external political pressure.
- Second, the external actors with the greatest stakes in the outcome – especially the UN, the US, and Western states – were "sailing in uncharted waters" as they attempted to define the role of UNOSOM and shape the Somali political process at the Addis talks. The Somalia intervention was, in a word, unprecedented, and the external actors were improvising and making up the rules as they went. Many of the peacebuilding and statebuilding approaches which are today considered standard practice were unknown at the time. Mistakes in the Addis Ababa Agreement which today appear obvious (such as a two year mandate for such an ambitious statebuilding project) were not self-evident in 1993. It is worth recalling that the UN Department of Peacekeeping Operations (DPKO) was not even established until 1992, and a strategy for an expanded UN role in peacebuilding not developed until the release of *An Agenda for Peace* in 1992.<sup>20</sup> Hard-won experience relating to the negotiation and management of security arrangements would also come later and at this time, narrow DDR procedures were the norm.
- Even with these built-in limitations, the planning of the Somalia intervention reflected a surprising lack of attention by the US government and the UN to the critical question of post-conflict reconciliation and statebuilding. In the critical first three months (December 1992-February 1993), US diplomats were mainly focused on ensuring no hostilities broke out between UN forces and the largest armed faction in south Mogadishu, General Aideed's SNA. Critical decisions about representation and other aspects of the national reconciliation talks were largely left in the hands of Dr. Kapungo and his team. Somalia was, if not the first, certainly the most dramatic instance of what was to become a recurring problem for international diplomats seeking to mediate an end to messy, post Cold War "complex political emergencies" – namely, who has the right to represent whom in critical initial talks to establish a process for the creation of a transitional government? This is a problem treated in more detail below.
- UN and other diplomats working on the Somalia intervention in early 1993 were also handicapped by a paucity of knowledge about Somali political dynamics. Most had limited experience in and on Somalia, and operated on the basis of often crude assumptions about clan, conflict, and politics in the country. But even Somali and foreign observers and experts with long experience in the country's politics were perplexed by the transformation of political dynamics there. The Somalia they knew prior to 1990 was not the same country in 1993. No one had had to deal with a country with no central government for over two years.

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<sup>19</sup> For detailed discussion of Somali civil society in peacebuilding, see Menkhaus et al, forthcoming 2009.

<sup>20</sup> UN Secretary-General, Report to the UN Security Council, "An Agenda for Peace" A/47/277 – S/24111 (17 June 1992) <http://www.un.org/Docs/SG/agpeace.html>

- The combination of weak country knowledge, institutional resistance in the UN to learning processes about the country<sup>21</sup>, new conflict dynamics in the post cold-war era, the new context of state collapse, and the unprecedented nature of the UN intervention in Somalia made external diplomacy at the Addis Ababa talks very susceptible to errors. Tragically, errors at the earliest phases of a peace operation are particularly damaging and difficult to recover from. The concept of “sensitive dependence on initial conditions” from systems analysis is as relevant to peacebuilding as it is to meteorology.
- Time pressures were acute both at the Addis Ababa negotiations and in subsequent implementation of the accord due to external actors’ concerns about a speedy hand-over from UNITAF to UNOSOM, and due to concerns about keeping costs of the very expensive operation limited. The rushed time-table for the Agreement was driven entirely by foreign, not Somali, needs, and resulted in a rushed process and a flawed document.
- The lack of commitment to the process on the part of some Somali leaders and factions presented the UN with the problem of potential spoilers, and presaged an enduring problem in Somali reconciliation efforts – namely, spoilers joining peace processes to sabotage them, not advance them. There was awareness on the part of US and UN diplomats that some faction leaders were likely to wait until the peace operation was handed over to the UN before they would seek to undermine the mission, but there was little agreement on a strategy to address this. Internal disputes over how to handle “warlords” were evident both within the UN and within the US government (see Menkhaus and Ortmayer, 1995).
- External pressure to drive the Addis Ababa Agreement gave some Somali leaders – most notably General Aideed – a reason to subsequently repudiate the accord as invalid on the grounds that it was “forced on” the Somali factions by the UN. There was irony in Aideed’s claim, in that Somali civil society groups were complaining of just the opposite – that the Agreement had been crafted solely by faction leaders, whose legitimacy they questioned. Aideed’s abdication of the Agreement did, however, underscore an important point – the very low level of Somali ownership of and voice in the drafting and implementation of the Addis Ababa Agreement.
- The location of the negotiations – at a luxury hotel in a foreign capital – was viewed by UN diplomats as a good choice, as it isolated the faction leaders and allowed them to devote full attention to the proceedings. Holding the talks in Mogadishu would have presented logistical and security challenges as well. But the choice to convene the talks in Addis Ababa also isolated faction leaders from Somali traditional and civic leaders, whose input and approval was critical to the legitimacy of the agreement in the eyes of the Somali public. This was one of many instances in which an important aspect of Somali political culture was disregarded, at some cost to the process and which set a precedent for coming Somali reconciliation conferences
- Finally, the accord was negotiated in a context of continuing ethnic polarization and displacement inside Somalia. Tensions over occupied land, stolen property, killings and rape, and other grievances were exceptionally high, and only limited opportunities for “track two” reconciliation dialogue had been undertaken at that point. Fearful Somali communities were on edge and easily manipulated by spoilers. The fact that Mogadishu’s rival warlords owned their own radios made the public even more susceptible to mobilization against the accord.

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21 Close country knowledge was at times viewed with suspicion on the part of UN officials; it tended to challenge streamlined plans of action and threatened the authority of decision-makers who knew much about the UN but little about Somalia. While individuals within UNOSOM often made great efforts to learn about the people and culture, some observers argue that the UN as an institution was “unwilling to learn.” Once the operation went badly, efforts to “learn lessons” sounded to some officials like an effort to assign blame, generating even more resistance to reflection on the country.

## Key Early Decisions

### The Issue of Representation

Critical initial decisions were taken in January 1993 by the UN DPA in Somalia which shaped the Addis Ababa Agreement and its prospects for success. The first was to seek to use the UN humanitarian conference on Somalia in Addis Ababa in January 1993 as an opportunity to hold a rump political meeting at which preliminary agreement could be reached on a framework, agenda, and criteria for representation for a March 1993 national reconciliation conference. The preliminary meeting was essential in order to secure even modest Somali voice in the process. But it raised the key question – who should be called upon as representatives of the Somali people to meet and reach agreement on the “first cut” of decisions about reconciliation talks? In a context of a collapsed state, fragmented factions, and deeply contested views over leadership in Somalia, the question of representation was a very problematic issue for the UN. There was simply no way for the UN to avoid making a choice about Somali representation. Just as establishment of security forces creates the dilemma of “who guards the guards?” the initial phase of reconciliation and state-building in a collapsed state raises the question “who selects the selectors?” When a country is fortunate enough to possess social leaders who possess enough legitimacy to stand as unelected representatives able to make pivotal initial decisions on the rules and procedures to establish a new government – the “Founding Fathers” in the case of the colonial United States, or the Loya Jirga in post-Taliban Afghanistan – this problem is manageable. In other settings, like post-collapse Somalia, where authority and representation was deeply contested, it is a serious dilemma.

For the Informal Preparatory meeting in January, the UN DPA opted to invite the chairmen of the main Somali factions. Usually the chairmen were also the military commanders or the real political leaders of the factions, but not always, so several powerful individuals – Ali Mahdi of the United Somali Congress (USC), Col. Abdullahi Yusuf of the Somali Salvation Democratic Front (SSDF), and General Mohamed Said Hersi Morgan of the Somali Patriotic Movement (SPM) – were not signatories to the talks.

Practically speaking, in January 1993 there were only a half-dozen or so militarily powerful factions, all primarily identified along clan lines<sup>22</sup>. They included the USC/SNA (headed by General Aideed, dominated by the Hawiye/Haber Gedir clan); the USC (chaired by Mohamed Qanyare Afrah, dominated by the Hawiye/Abgal and Murusade clans); the SPM/SNA (headed by Col. Omar Jess, dominated by the Darood/Ogaden clan); the SPM (headed by Gen. Adan Abdullahi Noor Gabio, composed of a complex mix of Darood clans); the Somali National Front, of SNF (led by Col. Omar Haji, dominated by the Darood/Marehan clan); and the SSDF (chaired by Gen. Mohamed Abshir Musa, dominated by the Darood/Majerteen clan).<sup>23</sup> These factions possessed the strongest militias and were the principal protagonists in the civil war. If one were to take a strictly “realist” perspective, these were the factions that were most central to the peace talks. It would have made little sense to pledge parties not involved in the fighting to a cease-fire, nor would it have made any sense to exclude warring factions from a cease-fire agreement.

But the Informal Preparatory meeting was not intended just to secure a cease-fire declaration. One of its primary aims was to establish a broad consensus on the way forward for a national reconciliation conference in March<sup>24</sup>. Critical issues like the agenda and representation at the reconciliation talks were political, not military, concerns, and required broad-based representation if the reconciliation talks were to enjoy legitimacy among the Somali people. Clearly the Informal Preparatory meeting could not be based on six factions representing only some (not all) sub-clans of the Hawiye and Darood clan-families. The other

<sup>22</sup> Almost all of these factions included multiple clans, but with very few exceptions one clan more or less controlled the faction.

<sup>23</sup> General Aideed argued that only factions that had played an active role in deposing the regime of Siyad Barre should be invited to the talks.

<sup>24</sup> UN Secretary-General, Report to the UN Security Council, S.R794 (1992) paragraph 20

main clans-families – the Digil-Mirifle (also known as the Rahanweyn), the Dir, and the Isaaq – had very little militia power in southern Somalia, and in the case of the Isaaq had withdrawn altogether from Somalia politics, supporting instead a secessionist state in Somaliland in the northwest<sup>25</sup>. In addition, numerous “minority” groups – such as the Somali Bantu, and the coastal Rer Benadir population – had no militias at all. The Digle-Mirifle and the minority groups had, in fact, been the major victims of the war and famine, and as such had a powerful moral claim to a role in the future political dispensation of the country.

The Informal Preparatory meeting thus needed to find a way to simultaneously convene the most militarily powerful factions in order to establish a cease-fire and to secure their buy-in to the way forward for a political settlement (lest they become spoilers), while ensuring adequately broad representation of the entire Somali population regardless of their military power.

Once it became clear that the UN DPA intended to use factions as the basis for representation at the Informal Preparatory meeting, the solution to the UN’s problem was quickly generated by Somali political actors themselves. Aspiring political leaders from Somali clans not represented by an existing faction quickly established their own organization. As with the existing factions, they all sported English-language names littered with adjectives like United, Patriotic, Democratic, and National that described exactly what they were not, but with no apparent sense of irony. The factions existed solely to provide a recognizable interface for external actors, and, in the case of the Informal Preparatory meeting, to make a bid for a seat at the negotiating table.

Predictably, the UN DPA soon found itself overwhelmed with Somali delegations purporting to represent a new faction, all clan-based. Some were arguably legitimate, others were more fiction than faction, representing little more than opportunistic political elites. The proliferation of factions threatened to overwhelm the process. UN DPA’s solution was as arbitrary as the factions themselves – it established a date after which no new factions were to be recognized, resulting in fourteen organizations invited to the Informal Preparatory meeting<sup>26</sup>.

That decision was not only imperfect in terms of “horizontal” representation (i.e., the comprehensiveness of representation across all clans). It was even more problematic in terms of “vertical” representation, or the extent to which the faction leaders actually represented the clan constituency they claimed to lead. Many Somali civic leaders and intellectuals strongly objected to the use of factional leaders altogether, on the grounds that they were unrepresentative warlords serving only their narrow interests. The UN DPA was well aware of this argument and Mohamed Sahnoun had even convened a workshop of Somali civic leaders in the fall of 1992 in the Seychelles to solicit their views, much to the dismay of faction leaders, who dismissed civil society groups as irrelevant. Civic leaders and local NGOs were physically present at the humanitarian conference in Addis Ababa and pressed for more active participation in the Informal Preparatory meeting, eventually convincing the UN to allow a small number of civic leaders “per faction” to attend the talks as observers<sup>27</sup>. Their presence in and around the meetings both in January and March had a salutary effect on the faction leaders, who felt pressure from both Somali civic leaders and international actors. There is some evidence that the final document from the National Reconciliation Conference was shaped in part by pressure from civil leaders.

Even so, the decision to select the factions as the basis for representation at the Informal Preparatory Meeting was fateful. It handed to the faction leaders power over critical decisions about the March 1993

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25 Some of these militarily weaker clans had formed factions prior to 1993, however.

26 The actual number of factions represented in the talks between January and March 1993 is a matter of some confusion. Initially twelve factions were to be invited to the January talks, but fourteen appear as signatories. A fifteenth faction was added to the March talks.

27 The civic observers signed the General Agreement; each was listed under his or her “faction” – or, more accurately, their clan, presented as a faction.

national reconciliation conference. The faction leaders were unable to reach many decisions at the actual Informal Preparatory Meeting, producing only a weak General Agreement on January 8 that pledged them to a cease-fire and stated that final decisions on the details of the 15 March National Reconciliation Conference would be made before the delegates left Addis Ababa. They remained in Addis Ababa for an additional week, were still unable to reach a consensus on criteria for representation at the National Reconciliation Conference or its agenda, and so on 15 January issued an “Agreement on the Establishment of an Ad Hoc Committee” which was tasked with finalizing details on the March 15 conference.

The one item the Ad Hoc Committee was able to agree on was criteria for representation at the National Reconciliation Conference. Predictably, they chose to invite themselves, replicating the decision reached by UN DPA to select only the fifteen factions. Thus a hurried and somewhat arbitrary decision by the UN DPA in January became the basis for the National Reconciliation Conference. This would not be the last time that a precedent casually set in Somali reconciliation processes would have a much longer life than its creators envisioned<sup>28</sup>. Somali negotiators seem acutely aware of the power of precedent and hence devote more attention to early technical decisions in preparatory meetings than do foreign mediators. The Addis Ababa Agreement is a powerful reminder that some of the most consequential decisions are reached in preparatory phases of peace talks.

Under pressure from the UN, which was itself under pressure from a variety of external actors and Somali civil society groups, the faction leaders were compelled to agree to allow several hundred civil society representatives as observers of the National Reconciliation Conference (Menkhaus, 1997). Their presence is believed to have constrained the faction leaders in their deliberations.

## **Agenda**

The agenda for the National Reconciliation Conference was the subject of considerable debate in the preparatory meeting and the ensuing ad hoc committee, with some Somali groups pressing for a wide agenda that included accountability for war crimes, occupation of land, and compensation for lost lives and stolen property, while others sought narrower agenda focusing on power-sharing and revival of the state<sup>29</sup>. For obvious reasons, the militarily more powerful clans succeeded in keeping the agenda limited, a direction that suited the UN DPA, which was primarily interested in ensuring that the Agreement produced at least a skeletal blueprint for the massive task of building a transitional government, drafting a transitional charter, reviving a civil service, and facilitating a census and an election, all within two years. Though the UN would be responsible for implementing most of these transitional tasks, the blueprint itself had to have some degree of Somali ownership. Once a transitional government was produced from the process, it would serve as the “repository of Somali sovereignty” and could take greater responsibility for key decisions.

In fact, the agenda of the National Reconciliation Conference fell increasingly under the control of the international community, which weighed in heavily as it considered what would be necessary in order for the transitional process to move forward. The Somali factions were surprisingly acquiescent on this score. Some appeared not to fully appreciate the consequences of the Agreement details; others merely wanted to appear cooperative; and still others, including those which later became spoilers, never seemed to take the details of the national reconciliation process seriously. This was an early and revealing instance of an enduring problem of Somali factional leaders signing accords with no intention of abiding by them.

For the UN DPA, the single most important dimension of the Agreement was the establishment of a process for selection of a transitional government. The formation of a transitional government constituted a “critical

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<sup>28</sup> For example, the precedent set here was a factor in the development of 26 faction by the time of the peace talks in Sodere, Ethiopia in 1997

<sup>29</sup> This is a dichotomy that has haunted all subsequent reconciliation conferences and has only ever been addressed (partially) at Arta.

bottleneck” in UNOSOM’s two year mandate – it was essential in order for a whole range of sequential tasks, especially the drafting of a Transitional Charter. The Agreement very much reflected those UN pre-occupations.

What this meant, in effect, was that the Addis Ababa Agreement constituted an accord establishing a basic roadmap for the revival of the central government, albeit with some prescribed representations from region and districts, and no more. It was not in any way a reconciliation process, nor was it a full-fledged power-sharing arrangement, though, as will be seen below, the factions did guarantee themselves seats in the transitional government. The closest the agreement came to reconciliation was the pledge to a cease-fire, which was promptly violated in Kismayo the next month.

## **Time frame**

By March 15, pressure on the UN DPA for rapid political progress in Somalia grew intense, as UNITAF was expected to hand over control of the mission to UNOSOM. American diplomats were also taking a much closer interest of the details of the National Reconciliation Conference, and sought to shift policy away from what they considered to be an unwise tilt by their predecessors in favor of warlords<sup>30</sup>. Notably, the newly-appointed SRSG for UNOSOM was a high-level American, Admiral Jonathan Howe, and much of his staff consisted of American diplomats or military officers. The UN DPA team led by Dr. Kapungo remained intact, but began taking cues from the new American leadership.

The Somali custom of devoting extensive time to reconciliation talks was, under the circumstances, impractical, and the UN DPA pushed the Somali delegates hard to conclude the talks within a week. This pre-occupation with forcing Somalis into rapid deliberations on complex issues of reconciliation and governance became a hallmark of the entire UNOSOM experience, and was consistently criticized by Somalis. In the Addis Ababa talks, the short timeframe led to an agreement that was incomplete on critical details and vague on others, setting the stage for disputes over interpretation of the agreement which sowed the seeds of armed conflict in June 1993.

The combination of time pressure and external political pressure on the faction leaders also gave spoilers an opportunity to subsequently renege on the Agreement on the grounds that it was “forced on” the delegates by the UN. This was the position eventually taken by General Aideed, and successfully sold to his constituency. For the UN, this was a dilemma – had it not pressured the delegates the talks might never have reached a conclusion yet by pushing the agenda and certain provisions in the agreement on the delegates it ran the risk of participants reneging later.

## **Key Provisions in the Addis Ababa Agreement**

The Agreement, signed on March 27, was essentially a two part accord. The first set of provisions involved general terms of a cease-fire, including:

- reaffirmation of the cease-fire agreed upon in the General Agreement of January 1993;
- commitment to complete disarmament within 90 days, with weapons to be handed over to UNOSOM and sanctions to be imposed on any violators of the disarmament campaign;
- establishment of an impartial national and regional police force;
- pledges to protect and facilitate humanitarian operations;
- commitment to peaceful resolution of disputes;
- return of stolen property to rightful owners;

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<sup>30</sup> The shift in US policy was not just a difference of opinion between outgoing Bush officials and incoming Clinton officials. It reflected a split within the US State Department, pitting the US Special Envoy to Somalia Robert Oakley vs. other State Department officials who believed his approach was too pro-Aideed. For more on the details of US policy during this critical period of 1993, see Menkhaus and Ortmayer (1995) and Clarke and Herbst (1997)



The second half of the document pertained to the roadmap for the establishment of a transitional government and transitional charter. It agreed to the following:

- a two-year transitional period;
- the creation of a Transitional National Council (TNC), to serve as the repository of Somali sovereignty and the “prime political authority having legislative functions during the period in question” Its responsibilities included oversight of the judiciary and civil service, and establishment of committees, including a Transitional Charter Drafting Committee. The TNC was to be composed of three representatives from each of the 18 regions of the country, with five extra seats for Mogadishu, and one nominee for each of the 15 factions;
- the creation of Central Administrative Departments, forming the core of the civil service;
- establishment of Regional Councils (RCs), composed of representatives selected from District Councils. The Agreement specifically states that “the District Councils in each region shall send representatives who will constitute the Regional Councils;”
- establishment of District Councils (DCs), the members of which “shall be appointed through election or through consensus-based selection in accordance with Somali traditions.”

The agreement concludes with some broad pledges to promote reconciliation and some short guidance for the committee to be tasked with drafting the transitional charter, committing it to be “guided by the basic principles of the Universal Declaration of Human Rights and by Somali traditional ethics.”

## **Assessment of the Addis Ababa Agreement**

The Agreement's most important role was as a binding framework for the transition process. On this score, it was a deeply problematic document, both for what it said and for what went unsaid.

Some of the problems were obvious. The agreement presumes, for instance, the inclusion of the five regions of Somaliland in the TNC, ignoring the fact that Somaliland had announced a unilateral secession in May 1991 and was not a party to the National Reconciliation talks.

Another flaw was the stipulation that one of the three representatives from each Regional Council to the TNC be a woman. This was inserted as a result of pressure from the external community, but was problematic since the document did not require any quotas by gender for the composition of either district or regional councils. Regional Councils could not send a female delegate to the TNC if no women had a seat in the Regional Council. There were also no instructions as to whether members of district councils named to serve in the Regional Council and/or the TNC were to be replaced in the district council or hold multiple seats in two or even three levels of government.

The principal problem with the document, however, is that it left critical issues unresolved related to the transitional process. No real division of labour was established between the TNC, Regional Councils, and District Councils, inviting power struggles. But much more serious was the lack of detail on composition of the transitional governing bodies. No mention is made of the process for selection of the five extra representatives from Mogadishu (an insertion clearly designed to give the two most powerful militia leaders, Gen. Aideed and Ali Mahdi, more clout in the TNC). And the reference to the selection process of district council members was extremely vague. This lack of specificity gave UN DPA considerable latitude to interpret the accord as it saw fit. Indeed it had little choice but to interpret the document in order to operationalise the agreement. But this expanded UNOSOM role opened up the entire state-building process to charges that Somalis had little ownership over key implementing decisions.

Ironically, it was the one point in the document when the signatories were quite specific that caused them the most anxiety and back-peddalling. This was the clause which established that the Regional Councils would be composed of selected members of District Councils from the region. In essence, this established a “bottom up” approach to rebuilding the Somali state, an approach which was advocated by Somali civil society groups and some external observers. The problem for the factions is that they had inadvertently signed away control over the appointment of members in the Transitional Council to local populations in each district. The fifteen factions still had their one seat apiece in the TNC, but the majority of the TNC seats (54) would now be determined by local communities.

The faction leaders faced two dangers on this score. The first was that they were uncertain that they could manipulate or control their own constituencies to make the choices the faction leaders wanted. Some faction leaders were in a better position than others to guide results in “their” regions. The second was that some of the most powerful factions, including General Aideed’s, had come to control and occupy valuable territory by force in 1991-92, but were essentially an occupying army in those districts and regions. Were the local populations to be given control over the naming of district and regional council members, some factions risked “winning the war and losing the peace.” Importantly, the entire clans of these militia leaders stood to lose as well, and were thus very susceptible to mobilization against a bottom-up process that stood poised to rob them of the fruits of their military victories.

The situation grew even worse for the faction leaders when they realized that the Addis Ababa Agreement allowed each faction to appoint only one individual to the TNC. Yet the larger factions had several top personalities, none of whom wished to be left out of the TNC. Their only alternative would be to present themselves as candidates for selection to a district council and hope to “work their way up” through the Regional Councils to the TNC. That route was considered beneath the top political actors.

The focus of UN DPA on state revival and its neglect of negotiations for transitional security arrangements set a pattern in which statebuilding became both the focus and the path to peacebuilding. The resultant benign neglect of negotiated security arrangements and processes, in which the re-establishment of state security architecture and DDR ‘mopping-up’ became the reductionist twin pillars of complex conflict and security challenges, was also established by the Addis process in the haste to achieve the final status of re-establishing a central state.

In retrospect, the inattention to these critical details in the Agreement by the signatories was remarkable, given how much was at stake. But their inattention did not last long. In the days following the signing of the Agreement, the faction leaders held closed door meetings in Addis Ababa outside the purview of UNOSOM and Somali civil society, where they sought to rectify their mistakes in the Agreement by issuing a post-agreement Addendum.

### **The Post Agreement Addendum of March 30**

The March 30 Addendum was a highly controversial document that exposed the raw political conflicts at play in state-building and reconciliation under UNOSOM and foreshadowed a future armed confrontation between UNOSOM and some of the factions. The Addendum (technically called “Agreements Reached between the Political Leaders at the Consultations Held in Addis Ababa, 30 March 1993”)<sup>31</sup> was presented by the faction leaders as a good-faith effort to “clarify” the 27 March Agreement. But it was clear to all that it was in fact an attempt to completely undercut what was agreed upon and signed before the UN and

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<sup>31</sup> Though electronic copies of the Addis Ababa Agreement are readily available on numerous websites, the 30 March Addendum is, remarkably, nowhere to be found on the web.

Somali civic observers, a virtual “coup” appearing to abrogate control of the selection process for the TNC to the faction leaders.

Specifically, the Addendum asserts factional control over the appointment of the three Regional Council members to the TNC. “Given the 18 regions three representatives will be chosen by each region and names will be submitted to UNOSOM by the factions [emphasis added],” asserts the addendum. It continues: “in regions where there are more than one faction or differences between the factions in the allocation of the seats the concerned factions will try to settle their differences in Addis Ababa if not, they will iron out their differences in the regions.” This latter claim presumes that the Somali political landscape is monopolized by factions, not clans or other groupings, and clearly places authority for negotiations over seats in the TNC in the hands of the factions.

The faction leaders also realized that the weakly worded March 27 Agreement gave UNOSOM considerable power of interpretation, and so sought to limit the role of UNOSOM in the Addendum, asserting that “UNOSOM will provide the logistical support and act as observer where there are dispute [sic].”

Finally, the faction leaders sought to take control over the all-important Charter Drafting Committee away from a TNC it might not be able to fully control. Appealing to the UN’s preoccupation with short timetables, but in fact serving their own political interests, the faction leaders proposed the following:

“In view of the time factor a committee will be set up to draft the charter which will be approved and adopted by the TNC. The first session of this drafting committee will start on the 10 April 1993 in Mogadisho. The composition of the Charter Committee will be: (a) Two Members nominated by each faction – one with political experience and another with legal expertise; (b) International and legal advisors should be provided by UNOSOM.”

In this manner the factions hoped to reduce the TNC to a body approving, but not drafting, the document which would determine the future political dispensation of the country.

UNOSOM’s Political Office refused to recognize the Addendum, arguing that the 27 March Addis Ababa Agreement, which was brokered in the presence of hundreds of civic observers and publicly signed, was the only binding blueprint for the task of rebuilding the central government. The faction leaders argued that they were the recognized authorities for the drafting of the Addis Ababa Accord, and therefore possessed the right to clarify and amend their agreement as necessary. In the end, UNOSOM acquiesced on the factional role in populating the Charter Drafting Committee, mainly out of concern that it would take many months to form the TNC. But UNOSOM did not agree to the proposed changes in the selection process to the TNC. Instead, it turned to UN Security Council Resolution 814 for guidance on how to interpret the vaguely worded Addis Ababa Agreement.

## **UN Security Council Resolution 814 and UNOSOM Interpretation of the Addis Ababa Agreement**

UN Security Council Resolution 814, passed on March 26 1993, established UNOSOM II as the successor to UNITAF and gave it its mandate. It reflected the input of the US State Department team which had succeeded UN Special Envoy Ambassador Oakley. The new team, composed mainly of career foreign service officers, not Clinton political appointees, had grown increasingly unhappy at what they viewed as Ambassador Oakley’s “tilt” toward General Aideed and were determined to press UNOSOM for a more open political process rather than one controlled by militia leaders. The instructions of Resolution 814 with regard to promotion statebuilding and reconciliation mandate reflect this concern, and were critical for the Addis Ababa Agreement which was signed the very next day. It specifically called on UNOSOM II:

“...to assist the Somali people to promote and advance political reconciliation, through broad participation by all sectors of Somali society [emphasis mine], and the re-establishment of national and regional institutions and civil administration in the entire country;... [and] to create conditions under which Somali civil society may have a role, at every level, in the process of political reconciliation and in the formulation and realization of rehabilitation and reconstruction programmes. . .”<sup>32</sup>

The UNOSOM Political Office turned to this wording for guidance in interpreting the Addis Ababa Agreement. The instructions to ensure “broad participation by all sectors of Somali society” and to “create conditions under which Somali civil society may have a role, at every level,” in reconciliation and statebuilding was a thinly veiled rebuke of the Addis Ababa process, and left no doubt that the UN Security Council was expecting state revival in Somalia to be a participatory, democratic process, not the exclusive prerogative of the militia leaders. To that end, UNOSOM DPA concluded that the original instructions of the 27 March Agreement held – the Regional Councils would be composed of delegates from district councils and that Regional Council nominees for the TNC would not be controlled by the factions. Faction leaders were unhappy with this decision but did not openly oppose UNOSOM in the two months following the Addis Ababa Agreement.

UNOSOM announced several other interpretations of the Agreement, including a stipulation that each district council be composed of 21 members, and that each district council had to have at least one woman. It also made a decision to rely on local clan elders to negotiate among themselves and select the 21 members of each district council, on the presumption that clan elders were best suited to serve as legitimate community representatives and would ensure broad social input into the selection process. That was not entirely true. Clan elders in some locations were in the pocket of militia leaders and took instructions from them. They were also more preoccupied with the proportional representation of each clan in the district, and less concerned about the qualifications of individuals selected to the district council.

The main downside of UNOSOM’s bottom-up approach was that the TNC could not be fully formed until the Regional Councils were fully formed, which in turn required the creation of the District Councils. Formation of more than 100 district councils countrywide turned out to be a critical bottleneck for the formation of the TNC. As UNOSOM scrambled to convene clan authorities in the each district and urge them to quickly form a district council, it discovered that many districts were still badly divided by years of armed conflict, and featured communities that were unwilling to even speak with one another, much less share a local administration. UNOSOM also encountered districts occupied by militarily powerful newcomers who sought to prevent the original inhabitants from participating. In short, the local statebuilding required by the Addis Ababa Agreement as a precondition for the revival of a transitional national government did require local-level reconciliation in a country riven by two years of war.

## **Implementation of the Accord**

The Addis Ababa Agreement was never fully implemented. No faction took any serious steps to disarm; in fact, weapons flowed even more heavily into the capital in the months following the signing of the agreement. The Transitional National Council was never established either. General Aideed publicly renounced the Agreement, claiming the document had been forced on the factional leaders by the UN, and on 5 June directed his militia to launch a deadly ambush on UNOSOM forces. That ambush began a four month armed confrontation between UNOSOM and the SNA forces that culminated in the 3 October 1993 “Black Hawk Down” firefight and that derailed the UN mission. As the US forces began to withdraw from

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<sup>32</sup> UN Security Council Resolution 814 (1993), page 4 <http://daccessdds.un.org/doc/UNDOC/GEN/N93/226/18/IMG/N9322618.pdf?OpenElement>

Mogadishu, UNOSOM abandoned whatever commitment it had to a bottom up approach, and instead searched for an expedient political deal that would allow them to announce the establishment of a Somali government and depart with at least a semblance of a claim to having succeeded. By March 1994 the Addis Ababa Agreement was replaced with another failed UN effort to broker a deal to establish a power-sharing government between the top militia leaders<sup>33</sup>.

Two portions of the Agreement were partially implemented. First, 56 district councils were established by UNOSOM (Heinrich, 1997), in some cases in great haste, and at least two Regional Councils established. This was hardly an unqualified success, however. The Political Office rushed elders to reach quick decisions, sometimes over several months but on other occasions within only two weeks of notification. In some districts armed clashes broke out and local populations suffered casualties over disputes about the composition of the district councils. And in other districts, council selection was fraudulent and council composition flawed as more powerful clans controlled the process to the exclusion of weaker but numerically more populous clans<sup>34</sup>. Yet in other districts, the process, in spite of being rushed and externally driven, led to the formation of councils where the community gradually assumed ownership of the process and the outcome (for example, some of the districts in Bay and Bakol regions and the northeast). Without the other transitional mechanisms established councils were left in a vacuum, and with very little support from UNOSOM, most of the councils did not survive<sup>35</sup>. However, the idea of representative district councils and the need for inclusive local governance structures is probably a more lasting contribution to Somali governance structures and constitution making that can be attributed to the Addis Ababa Agreement.

Second, the work of the Charter Drafting Committee moved forward haltingly, producing a draft charter by late 1993. Absent a TNC, however, the Charter was never advanced beyond the Committee and eventually was overtaken by events.

## Conclusion

The Addis Ababa Agreement case has much to teach us about national level peace processes in Somalia. Among its principal findings:

- The overwhelming international pressure on both UN mediators and Somali factional leaders was vital for reaching an agreement, but also contributed to pressures to fashion an accord in haste and in the absence of any actual reconciliation.
- Transitional state-building arrangements are not a substitute for reconciliation: this was and remains critically important in the context of a Somali culture in which acknowledging past wrongs and making amends for them lies at the heart of traditional peacemaking.
- Failure to seriously address ceasefire negotiations leaves peace processes hostage to armed factions: failure to address transitional security arrangements undermines commitment to the ceasefire process and prevents progress towards stabilisation with each faction maintaining its military capacity as a guarantee against an eventual monopoly of force by the 'winner' in the statebuilding race. The challenging relationship between statebuilding and peacebuilding, and indeed their mistaken substitution for each other, continues to bedevil attempts to achieve either stabilisation or state revival in Somalia.
- The accord's almost exclusive focus on state-building reflected the UN's preoccupation with the need for a blueprint for its own mandate to rebuild the central government. In some respects the agreement

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33 This was the "Nairobi Informals," talks mediated by the UN which attempted to create a pact bringing together General Aideed, General Morgan, and Col. Abdullahi Yusuf to form a government. These three militia leaders held the most territory from southern through northeastern Somalia, and were seen by the UN as the three main "strongmen" who could hold a transitional government together. The deal, which prompted acting SRSG Lansane Kouyate to famously proclaim "the warlords are now peacelords," failed to take. See Menkhaus 1997, pp. 42-46

34 UNOSOM accumulated a large pile of letters of complaints from clan elders about the unfair selection of district council members in their area.

35 LPI carried out a large training programme for many of the district councils between 1993-1996 (Heinrich 1997)

was more designed to serve the UN than the Somali people;

- Time-frames for talks need to be based on Somali realities, not the needs of external actors;
- The Addis Ababa Agreement highlights the debate over representation at peace talks that continues to bedevil Somalia to this day. In the absence of clear consensus over legitimate representation in Somalia, the UN was forced to choose who would sit at the negotiating table at Addis Ababa. Its decision to invite faction leaders was criticized for “empowering warlords,” yet alternative forms of political representation were not without complications as well;
- Somali peace negotiations held in foreign capitals reduce the ability of representatives to vet positions and proposals with their constituencies, which in the Somali context creates serious legitimacy problems. Somali political culture demands extensive vetting and consultation in order for agreements to be considered legitimate and binding;
- The vaguely-worded accord opened the door for disputes over interpretation which directly contributed to the armed clashes between UNOSOM and the militia of General Mohamed Farah Aideed;
- Blueprints for processes culminating in the selection of national leaders cannot be viewed as technical documents; because they shape political outcomes and help determine “who rules,” they are unavoidably zero-sum in nature. Interpretation of these accords are thus extremely sensitive and must be handled as such;
- Reconciliation and state-building accords which rely on processes of local selection of representatives must address the question of residency and rights lest implementation trigger armed conflict;
- Interested external actors are invariably tempted to engineer preferred outcomes of Somali peace processes, a reality that was as true for the Addis Ababa Agreement as it has been for more recent Somali peace accords. But external manipulation of reconciliation efforts fuel local suspicions and violent reactions and are generally counter-productive.

# **Somalia National Reconciliation Conference**

## **- Arta, Djibouti 2000**

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### **Summary**

The concept of a Somali peace process facilitated by Djibouti was initiated by the late president Hassan Gouled Abtidon who raised the Somali crisis in what was to be his last speech at the UN General Assembly in September 1998. The following year, his successor, President Ismael Omar Guelleh, raised the issue again in the next UN General Assembly meeting (see annex 3) and meanwhile informed actors had begun mobilisation in support of the initiative within Somalia.

The Djibouti government started preparations for the conference in early 1999 through:

- Visits by representatives from the Djibouti government to most of the regions in Somalia to meet the different political and social actors
- Consultations:
  - Meeting of sixty intellectuals, 22-30 March 2000
  - Meeting of traditional and religious leaders, 2-5 April 2000
  - Business community consultation meeting, 8-11 April 2000
  - Prominent personalities consultation, May 2000
  - Behind the scenes consultations with prominent Somali actors, through 1999-2000
- Establishment of a satellite TV channel, Arta TV, to broadcast the conference deliberations.

Despite these extensive consultations, the Djibouti government was unable to convince the Somaliland and Puntland governments or armed faction leaders in south-central Somalia to participate in the Arta peace process, which was inaugurated in May and ended in August 2000 with the following major outcomes:

- An interim Charter, passed on 16 July 2000
- An interim parliament of 245 MPs, appointed on 13 August 2000
- Parliament speaker and three deputies, elected on 20 August 2000
- Interim President elected on 25 August 2000
- Prime Minister appointed on 8 October 2000

### **Background**

By the late 1990s the people of Somalia were still searching for a solution to the protracted conflict and statelessness that had continued for close to a decade. The Sodere conference sponsored by the Ethiopian government in 1997 had brought together several armed factions and also developed the '4.5 formula' for clan representation. But it was fatally undermined by the competing Cairo peace process, sponsored and mediated by the Egyptian government in December 1997. In the background, a major conflict was about to erupt in the wider region between Ethiopia and Eritrea in 1998. This proved a serious distraction for Ethiopia in the late 1990s but also exposed the wider risks to regional security associated with the continuing disorder in Somalia. Efforts to form a Banadir regional authority in August 1998 lost momentum and eventually collapsed, creating further political fragmentation and a power vacuum that gave rise to new power brokers or strengthened existing ones in south-central Somalia in general and Mogadishu in particular. As a result, the competing local and regional armed forces intensified their efforts to achieve victory over their opponents.

Both Ali Mahdi and Hussein Aideed were challenged by erstwhile allies within their factions, weakening their grip on power in south-central Somalia. The splits in Ali Mahdi's United Somali Congress (USC) and Hussein Aideed's Somali National Alliance (SNA) and the emergence of new actors such as the Islamic courts in Mogadishu were all signs that the once powerful factions and alliances in south-central Somalia were disintegrating and the military power of the warlords was dissipating. Their militia were dispersed among the following groups, according to analyst Abdurrahman Hussein Samatar 'Abu Hamza'(Samatar, 2000):

- 60% to the clan-based Islamic courts
- 20% to the clan businessmen
- 10% to the clan leaders
- 8% remained with the warlords
- The remaining 2% became freelance militia

Nevertheless, although the warlords lost most of their militia, they kept their weapons providing them with the opportunity to reorganize and recruit new militia whenever an opportunity arose. This became apparent subsequently when forces of the Transitional National Government (TNG) fought Hussein Aideed's militia in and around Mogadishu seaport in May 2001 and the militia of Muse Sudi militia fought with the TNG forces in North Mogadishu in February 2003. Both incidents demonstrated the ability of the warlords to wield considerable influence despite their diminishing military power and to regroup and recruit militia, primarily through manipulation of clan sentiments.

### **South-central regions before the Djibouti initiative**

While the people of the northeastern regions of Somalia were engaged in their own peace process and formation of a regional authority (the Puntland State of Somalia), serious military confrontations were taking place in the Trans Jubba regions (Lower and Middle Jubba, and Gedo) and in Bay and Bakol regions. Having given up hope that the Baidoa conference proposed in Cairo would ever take place, the Rahanweyn Resistance Army (RRA) intensified its military opposition to the militia of the Somali National Alliance (SNA). Eritrean overtures to Aideed spurred Ethiopia into action and, with Ethiopian military support, in June 1999 the RRA succeeded in ejecting the SNA militia from Bay and Bakool regions. The victorious RRA appointed local authorities with an emphasis on security and began preparing for the establishment of governance institutions that would represent the Digil and Mirifle clans in the south-western regions of Somalia.

Meanwhile, crime in south-central Somalia was a growing problem with rape, murder, and kidnapping of both Somalis and internationals increasing, particularly in Mogadishu. In order to tackle this trend, the Islamists, businessmen, and traditional clan leaders enhanced their mutual collaboration, leading to a shift in military power from the warlords to the Islamic courts and reducing the crime level in Mogadishu and its environs.

The improvements in local security provided new openings for the search for alternative political solutions and the emergence of new 'unarmed forces'. Media houses, local FM radios, and local newspapers were emboldened to expose the plight of ordinary people, attributing it to the lack of social and political reconciliation that hindered the creation of publicly endorsed governance structures at local and national levels. Civic society and intellectual groups, who had previously focussed primarily on social service delivery, opened new political spaces that encouraged ordinary citizens to discuss issues relating to their future and, for the first time, discussions that addressed the sufferings of the people took place openly through the local media and public forums. Civil society organizations, the media, intellectual groups, the business community, and women, peace, and human rights networks, collaborated to support traditional leaders in stimulating the emergence of new political power brokers to replace the factions led by warlords.



During this period, an attempt was made to implement the ‘building blocks’ approach in Hawiye- dominated areas, along the lines of the political ‘building blocks’ in Somaliland and Puntland (and subsequently the nascent administrations in Bay and Bakool regions). The multiple failures to form a unitary state had encouraged a shift towards supporting the formation of functional local governance structures with local legitimacy, mostly based on regions inhabited by clans with a common lineage. The ‘building blocks’ approach envisaged that these could provide the basis for the formation of a Somali state based on a clan federal system and, at that stage, was the preferred option for state revival among many Somalis, foreign governments, and international organizations. The donors’ inducement of a ‘peace dividend’ was intended to encourage Somali politicians and communities to adopt the ‘building blocks’ approach and use financial and technical assistance to strengthen those areas that were emerging from crisis or which had a stable and locally accepted administration. Accordingly, regional and international bodies such as the IGAD, AU and IGAD Partners Forum (IPF), were all actively engaged in consultations amongst themselves and with local actors on support for the ‘building blocks’ approach.

From May 1999 until May 2000<sup>36</sup>, discussions were held within Hawiye sub-clans in Mogadishu with the aim of organising themselves to establish an authority that would provide the Hawiye clan with a political entity to represent the Hawiye legitimately in national political platforms, along the lines of the clan-based administrations in the north (Somaliland and Puntland). The major players in the inter-Hawiye congress were individuals from civil society, business, and veteran politicians, with efforts exerted to also bring together the titled traditional leaders of Hawiye. Ultimately the process did not bear fruit due to the lack of preparation, the lengthy one year process, and the unwillingness of prominent politicians to participate. During the same period, the moderate Islamic organisation Al Islah and the group associated with the politician Abdiqassim Salad Hassan were actively lobbying in support of the new ‘Djibouti initiative’ and the only tangible outcome from the Hawiye meetings was consensus among the Hawiye sub-clans to participate unanimously in this process. The Djibouti initiative was first promoted by the late president of the Republic of Djibouti, Hassan Gouled Abtidon, at the UN General Assembly on 27 September 1998 and subsequently by his successor, Ismael Omar Guelleh, who promised that Somalia would be his government’s first foreign policy priority if he became president.

## **The Djibouti Initiative and Diplomatic Engagement**

When the new president of Djibouti, Ismael Omar Guelleh, addressed the 54th session of the UN General Assembly in September 1999, he emphasised international responsibility for the Somali crisis: “It is a tragedy that the international community is unwilling to acknowledge this reality, simply because it seems that there are no vital national interests at stake here. So the quarrelsome warlords are left to fight it out until a victor emerges...” (see Annex 3). Highlighting the warlords’ failure to deliver peace to Somalia, he succeeded in getting international support and on his return to Djibouti on 29 September 1999, Guelleh informed the press that his government would pursue the Djibouti initiative with the unanimous acceptance of the international community (Samatar 2000).

The Djibouti government made extensive efforts to ensure support by all the relevant parties and stakeholders. The president visited Ethiopia, Kenya, Egypt, Yemen, Libya, Kuwait and Italy to consult and seek their consent to his government’s peace process for Somalia. After his visit to Ethiopia on 1 November 1999 and discussion with the Ethiopian Prime Minister, Mele Zenawi, they released a joint statement on 5 November, noting, inter alia, the closeness of their views on the IGAD role in resolving the Somali crisis (Samatar 2000). On 26 November 1999, Djibouti convened the 7th IGAD summit in Djibouti, at which the IGAD heads of states endorsed the Djibouti peace initiative, expressing appreciation for the Djibouti government’s efforts

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<sup>36</sup> CRD interview with Dr. Ibrahim Dasuqi in Mogadishu in November 2007

and reiterating that it is intolerable to allow the warlords to hold the Somali people hostage for their own narrow political and personal interests (see annex 4)<sup>37</sup>. The statement also reinforced the 'building blocks' approach and the importance of international donor support to make the 'peace dividend' viable.

The Djibouti government's strategy for its peace initiative was based on three principles: that Djibouti provide space for and facilitate the peace process; that Somalis reconcile and decide their destiny; that the international community support the outcome.

## **The Preparations**

Before consultations began officially, a Peace Commission was formed by the Djibouti government in March 2000, consisting of senior government officers, prominent business people and intellectuals from Djibouti, with the aim of facilitating, providing technical support and coordinating all activities at all stages of the process. The Peace Commission initiated consultations at different levels, with each one aiming to address a specific sector of Somali society. In April and May 2000, members of the commission travelled extensively through different regions of Somalia to explain and seek popular support from the Somali people for the initiative. While many of these visits were a success, with Somali communities welcoming the commission and endorsing the initiative with demonstrations, declarations and manifestos, there was stiff resistance from most of the armed faction leaders in south-central Somalia and from the Somaliland and Puntland governments.

When the Peace Commission arrived in Hargeisa on 14 April 2000, the airport authorities refused permission for its members to disembark from the plane. The Djibouti government responded immediately by expelling the Somaliland government representative from Djibouti the same day. The relationship between Djibouti and Somaliland deteriorated rapidly to the extent that a consignment of cigarettes from Djibouti owned by Abdirahman Bore, a businessman with enormous influence in Djibouti, was confiscated and destroyed by the Somaliland authorities, prompting the Djibouti government to close the border between Djibouti and Somaliland on 17 April 2001. Subsequently Somaliland President Egal sent a delegation of elders to Djibouti to ease the tension, although it was some time before the border was reopened. However not all Somalilanders shared the official Somaliland government opposition to the Djibouti initiative. Several prominent personalities and clan leaders participated in the process and in at least one case, local communities signalled their support through public demonstrations<sup>38</sup>.

In the case of Puntland, the commission received a warm reception from the traditional clan leaders, business community and local community when it arrived in Garowe on 18 February 2000 and the Puntland government initially supported the process. A delegation from Puntland, consisting of twenty one elders and government representatives led by the Puntland Vice President, met the Djibouti government for consultations on the process modalities of timing and selection of the delegates in the political phase. According to the Puntland government, this happened only after the Djibouti delegation had visited Garowe again in May 2000 and resulted in a written agreement between the two governments on these issues (Puntland position paper, September 2000 - see annex 5). When the Arta conference reached an agreement that participation would be based on the '4.5 formula' rather than on a regional basis, as recommended by Puntland, the Puntland government officially withdrew from the process, declaring that it had no official representatives at the conference and would not acknowledge the outcome (annex 5). Although prominent personalities, politicians, and traditional elders from Puntland did remain at the conference, they were not recognised by the Puntland government.

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<sup>37</sup> Declaration of 7th IGAD Summit of Heads of States and Governments, Djibouti, on 26 November, 1999

<sup>38</sup> The demonstration took place in Borama in support of Djibouti initiative on 15 November 1999 when late president Egal visited the district (Samatar, 2000)

In south-central Somalia, the commission received a generally warm reception in Mogadishu, Baidoa and Beletweyne but were unable to go to Kismayo due to the active violent conflict there at that time. In Mogadishu, the Djibouti delegation met with a variety of actors and stakeholders, including the traditional leaders and unarmed civic actors who started preparing themselves to participate in the process. President Guelleh's earlier condemnation of the warlords for the sustained sufferings of the Somali people in his speech at the UN had convinced the faction leaders that the Djibouti initiative was designed to eliminate them by empowering other sectors of the society and depleting their social power base<sup>39</sup>. As a result, when the Djibouti delegation met with armed faction such as leaders Muse Sudi and Mohamed Qanyare in March 2000, they refused the call to participate in the conference. A senior leader of the SNA faction summed up their dissatisfaction "...we were invited to become witness in a process in which we have no say, while we still maintain important political relevance in Somalia"<sup>40</sup>. Despite the blatant refusal by some factions and political entities, a number of prominent individuals and representatives of groups such as the SNA welcomed the initiative and participated in the early stages.

Meanwhile, consultations were taking place at other levels with visits by the prominent figures Abdiqassim Salad Hassan and General Mohamed Noor Galaal to meet newly elected President Guelleh in Djibouti in 1999 for discussions on how to engage the Somali people in the process. Subsequently they also met with the late Somaliland President Egal, who called a member of the Guurti and his foreign minister to join the discussion with the Mogadishu delegation<sup>41</sup> but declined to participate in the Djibouti initiative.

Further engagement included invitations to different civil society activists, mainly from Mogadishu, to attend workshops and symposiums in Djibouti from February to April 2000 with the purpose of seeking technical advice to develop a process managed by the Somalis themselves. These included a symposium at the Djibouti parliament on 21 March 2000 with sixty five prominent civil society activists, invited on an individual basis, which produced a document outlining five major priority areas in post-conflict Somalia<sup>42</sup>: socioeconomic; foreign policy; national security; land and property restoration; and the status of the Somali capital, Mogadishu.

Finally, on 2 May 2000, the conference of titled traditional leaders from throughout the Somali region (including Somaliland<sup>43</sup>) was inaugurated, the first major cornerstone of the peace process.

## The Traditional Leaders' Meeting

Delegates of the traditional elders had started arriving in Djibouti in April 2000 in preparation for the inauguration of the meeting of the traditional leaders on 2 May 2000, witnessed by delegations from the governments of Ethiopia and Sudan, and the United Nations, African Union, League of Arab States, Organisation of Islamic Countries, and international diplomatic missions in Djibouti. The delegation of traditional leaders from Puntland arrived in the conference hall while the opening ceremony was in progress to a warm welcome by all those present. The Puntland delegation was led by the Puntland Vice President, Mohamed Abdi Hashi, as part of the Puntland government's strategy to try to ensure a coherent approach rather than ad hoc representation by individual figures or opposition members. However, they subsequently withdrew from the process and returned to Garowe (see above).

The main purpose of the meeting was selection by the traditional leaders of the delegates who would participate in the subsequent political phase of the process and address core state-building issues,

39 CRD interview with Dr. Hussein Hagi Bood in Mogadishu, December 2007

40 CRD interview with Prof. Isse M. Siyad, member of SNA leadership, in Mogadishu in November 2007

41 Interview with Somali observer, Nairobi, March 2009

42 Horn Pioneer, 1st edition, May 2000 (bimonthly magazine from Djibouti)

43 Although Somaliland government representatives did not attend the process, titled traditional leaders, diaspora and other prominent politicians from Somaliland participated.

including the interim charter of Somalia during the transitional period. Equally important were the parallel reconciliation meetings convened by the traditional leaders to heal the bitter memories of the past and build trust among clans that had been fighting for almost a decade. A series of intra-Hawiye meetings took place, followed by meetings between the Hawiye and Darod clans, and sections of the Hawiye with the Digil and Mirifle clans. These reconciliations were a necessary precursor for state-building in the political phase of the process but were undertaken informally outside the main conference because of the time-consuming nature of traditional conflict resolution approaches<sup>44</sup>. In practical terms the informal approach helped to accommodate and provide space for the large number of actors present in Arta but outside the formal process. When formal sessions ended, the delegates and other members of the clan would meet in one of the houses of the leading elders or prominent politicians to discuss, endorse or advise those delegates who participated in the plenary. Many of these actors also shuttled between Arta and Somalia to brief their constituencies. These informal meetings were very important to the success of the Arta process, strengthening the formal process of the conference.

In terms of the selection of delegates to participate in the political phase of the conference, the traditional leaders referred to the deliberations in the preparatory phase of the process and agreed to base selection on the division of Somali society into five clan families<sup>45</sup>. This system derived from earlier processes, such as the Sulux group<sup>46</sup> that had met in January 1991 in Villa Baidoa, Mogadishu (Samatar 2000) "...before the uprising in Mogadishu in 1990, there was a period when people were searching for a way out of the looming crisis. One important question raised at that time was how a genuine power-sharing mechanism could be devised amongst the Somalis?"<sup>47</sup> In all the previous peace processes, the common denominator for representation, participation and power-sharing had been the armed factions led by warlords. In contrast, the Arta peace process made the unarmed civic groups the focus for representation and participation, while the clan provided the basis for power-sharing - the first time in the history of reconciliation in south-central Somalia that clan had been used explicitly as the basis for state reconstruction.

Historically, the idea of dividing state power among the five clan-families dates back at least several decades (Abu Hamza, 2000) and is applicable to all Somalis whether inside Somalia, Zone Five of Ethiopia, the north-eastern regions of Kenya, or Djibouti. The history of clan politics in Somalia began with attempts at alliance building within Irir (Hawiye and Dir) and within Darood in the 1960s. The Digil and Mirifle also joined in alliance and subsequently the 'fifth clan' was added as a conglomeration of what are considered minority clans and the only group without an agreed number of clans or sub-clans. Because the minority clans that are associated with major clans had limited opportunities to participate in Somali political processes, most of the minority clans chose to become members of the 'fifth clan' group as a way of enhancing their opportunity for political participation and representation. The revised version of the '4.5 formula' (Hawaiye, Darod, Dir, Digil-Mirifle and minorities) was put forward as the basis for a power-sharing matrix at the Sodere conference, sponsored by Ethiopia and attended by most of the main armed factions in 1996-7.

The clan-based formula for apportioning representation continues to generate controversy. Those who oppose its use maintain that the clan is a form of social - not political - organization and there is no objective means to differentiate between majority and minority viewpoints, for which the only available measures are military power, livestock wealth, and the geographical coverage of the clan. Furthermore, clan political interests are narrow and conflict with those of a democratic nation state. Those in favour of using the clan as a basis for political power-sharing during the transition from prolonged conflict to a more democratic

44 CRD interview with Ahmed Abroone Amin in Mogadishu, November 2007

45 At that early stage, only five equal clan families were used (although the idea of the '4.5 formula' existed.

46 100 prominent Somalis (20 from each of five clans) met and 75 members (15 from each clan) were selected by the elders with 25 members (5 from each clan) appointed by the government.

47 CRD interview with Dr. Ibrahim Dasuqi, Arta participant, Mogadishu, November 2007

political system argue that it is the only form of social association to which all Somalis belong and it can provide checks and balances in the political system<sup>48</sup>. This view dominated at Arta due to the realities on the ground<sup>49</sup> and the '4-5 formula' was adopted as the basis for representation.

Accordingly, the elders nominated 180 delegates (including 20 women) from each of the four major clans (Darood, Hawiye, Rahanweyn, and Dir) and 90 delegates from the conglomerate of minority clans (including ten women) as representatives in the political phase of the conference.

The traditional leaders concluded their meeting on 13 June 2000 with unanimous agreement on a public declaration, including the following points (Samatar, 2000):

- Cessation of the hostilities among the Somali clans;
- Restoration of properties that were confiscated during the conflict to their lawful owners;
- Unity and the integrity of Somalia are sacred and cannot be compromised;
- Reinstitution of the central government and its institutions is paramount;
- Call to the international community to immediately recognize the incoming government and provide the necessary support for it to become functional.

While the declaration did not signal a comprehensive reconciliation among the clans, it did indicate agreement to engage in further reconciliation after the Arta talks were concluded. Transforming the principles agreed into an action plan for implementation in the absence of a state was the challenging task to be faced by the political phase of the process.

## **The Political Phase**

The conference of the 810 delegates representing each of the Somali clans, from inside Somalia and the diaspora, was opened on 15 June 2000 by Djibouti President Guelleh. The aim of the process was to draft an interim charter as the basis for governance in post-conflict Somalia.

The plenary began by selecting the council (shir guddoon) of two co-chairs and three deputies (one from each clan) and a secretariat to run the conference. Having established the process management, the chairing council proposed the formation of different technical committees, comprising people with expertise and experience in each major issue to be addressed for effective post conflict reconstruction. Each of the committees would present their deliberations to the plenary for discussion and feedback. The focus areas were:

- i. Preparation of an Interim Charter
- ii. Economic and social services delivery
- iii. Foreign policy
- iv. National security
- v. The restoration of property
- vi. The status of the capital city Mogadishu

The committee assigned to prepare the interim charter proved to be the most challenging and contentious, generating heated debate in the plenary over two major questions:

1. Who elects the president - the conference delegates or the parliament?
2. What is the basis for the distribution of parliamentary seats - regional or clan?

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48 CRD interview with Somali observer, Nairobi, January 2008

49 CRD interview with Mohamed Abshir Waldo, Somali intellectual, Nairobi, January 2008

After long discussion, agreement was reached that the president would be elected by the parliament, with parliamentarians selected by the clans. The plenary voted to endorse the charter with an overwhelming 95% majority on 16 July 2000 (Abdurrahman Hussein Samatar, 2000).

Following the approval of the charter, the delegates and the traditional leaders started the process of selecting MPs, which included a quota of 25% of seats for women. The nomination process consisted of the titled traditional leaders, in consultation with the other elders and clan delegates, writing a nomination letter for each MP plus a 'reserve' in case the nominated candidate had to vacate their seat. While the allocation of the number of MPs to the five clan-families was straightforward, the distribution of delegates for the limited number of seats created tensions among the sub-clans. To address this, the conference established an arbitration committee of representatives from the five clan-families whose decision was accepted as final. When a specific (sub) clan brought a dispute to the committee, representatives of the clan in question were temporarily suspended from the arbitration committee which then asked the clan leadership to provide an official written request to the committee to distribute the seats among the sub-clans, promising to abide by the verdict. In practice, most of the clans were unable to agree on the distribution of parliamentary seats and resorted to arbitration<sup>50</sup>, reflecting the challenges of limiting political influence over the social community.

The new Transitional National Assembly (TNA) comprising 245 MPs was inaugurated on 13 August 2000 and, in keeping with tradition, elected the eldest MP, Mohamed Abshir Muse, as the interim speaker. The TNA endorsed the parliamentary procedures (by-laws) on 19 August and elected the parliamentary speaker, Abdalla Deerow Isaaq, and his three deputies on 20 August.

The next stage was the parliament's election of the president. Of the 29 candidates who registered their candidacy, only 16 fulfilled the criteria set for the post. Three rounds of voting followed and on 25 August 2000, the Transitional National Assembly elected Abdiqassim Salad Hassan as the president of the Somali Republic for a 3 year transitional period. The presidential inauguration in Arta on 27 August 2000 was attended by senior representatives of the international community, including the presidents of Yemen, Eritrea and Sudan, the Ethiopian prime minister, the Kenyan Under-Secretary for Foreign Affairs, diplomatic missions in Djibouti, the UN, and the EC.

Although the agreement at Arta had been that Baidoa would be the interim capital, the new president Abdiqassim dispatched a mission of Hawiye figures to prepare the ground and went directly to Mogadishu on 30 August 2000, where he was warmly received by a large crowd of 100,000 people in Mogadishu stadium, telling them "I brought you the flag, the parliament and the government". The following day he visited Baidoa before returning to Djibouti.

The president appointed Ali Khalif as Prime Minister of the Transitional National Government (TNG) on 8 October 2000. The cabinet was endorsed by the parliament in November 2000.

## **The Relocation of the Transitional National Government (TNG)**

The original plan at the Arta conference had been to relocate the TNG to Baidoa as an interim seat of government until security was restored in Mogadishu and its special status established. However this was not honoured. The president's warm reception in Mogadishu encouraged the leadership to relocate immediately to the capital Mogadishu rather than Baidoa.

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<sup>50</sup> CRD interview with Ahmed Abroone Amin, Mogadishu, November 2007

On arrival in Mogadishu, the TNG faced immediate major internal challenges from the warlords and other spoilers and external opposition from neighbouring countries. The international donors were also seen in some quarters as spoilers through their failure to provide the necessary financial support to kick-start the administration and support implementation of the transitional tasks.

The small number of faction leaders who had participated in the Arta process were encouraged to withdraw from the TNG by Ethiopia, who invited them to a meeting in the Ethiopian resort city of Awasa with the majority of the faction leaders that had remained outside the Arta peace process. The meeting established the Somali Restoration and Reconciliation Council (SRRC) with the objective of opposing the TNG militarily, as well as creating political confusion in the international donor community<sup>51</sup>. The faction leaders' militia succeeded in containing the TNG to certain quarters of Mogadishu and generating fear by assassinating a number of prominent personalities close to the TNG. In north Mogadishu, the faction leader Musa Sudi forced TNG forces out and positioned artillery guns towards the port to deter incoming marine transport. This not only rendered Mogadishu port unusable but also encouraged the use of natural beach ports, such as El Maan port, beyond the control of the TNG. As a result of the activities of the SRRC, the TNG was unable to secure Mogadishu, re-open the seaport and airport, establish a working relationship with either the faction leaders or Ethiopia, or convince the international community to inject the badly needed financial support. Following the events of 9/11, the so-called 'war on terror' in 2001 became another obstacle to establishing a functional government.

## Analysis

### Representation, Actors and Stakeholders

As in every previous national Somali peace process, issues relating to participation and representation presented particular challenges in the Arta process. One dynamic related to the strong lobby for participation, representation and power-sharing to be based on the 18 regions into which Somalia was divided administratively before the collapse of the state. This was strongly advocated by the Puntland government (and geographical-based representation would have enhanced Puntland's quota). However, there was a lack of consensus on the delineation of regions and, in some cases, communities protested that their regions were occupied by the militia of other clans, depriving them of the right to representation in their own lands<sup>52</sup>. In other cases, delegates came directly from the diaspora to fill the quota of clan-based constituencies while politicians from different clan constituencies who were active in Mogadishu national politics also complicated the legitimacy of representation.

The selection process of the traditional elders themselves was highly problematic in the absence of an authority to verify their legitimacy. The Djibouti government, as conference organizer, was forced to accept a degree of polarization and competition between clans and sub-clans over their participation and, as a consequence, certain clan-families created new titles for elders to represent clans or sub-clans previously represented by another elder.

The unique feature of the Arta peace process compared with the previous dozen national peace processes was the prominent space given to unarmed groups to advocate for their nation's destiny. Although unarmed groups were accommodated in earlier peace processes, such as Addis Ababa in 1993, the Arta process presented the first opportunity for them to play a significant role as decision makers. However the non-traditional actors in the Arta process also faced challenges over representation since neither the women's

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<sup>51</sup> CRD interview with Matt Bryden, analyst, Nairobi, January 2008

<sup>52</sup> CRD interview with Dr. Mohamed Abdi (Gandhi), civil society activist, Nairobi, February, 2008

groups, religious groups, nor civil society at large had an agreed formula for representation and participation, let alone a unified common agenda for resolving the Somali crisis<sup>53</sup>. As a result, they tended to revert to clan loyalty, embracing the weaknesses of clannism.

While the Arta process provided space, for the first time, for civil society representatives, its most critical setback was the failure to engage key armed groups, who later became spoilers. Although the emerging Islamic courts, the business community, armed clans, and even some armed factions, such as the RRA, were among the major actors that participated in the process, the common factor shared by most of those participating in the Arta process was that they had not been major contenders in the decade-long struggle over state power. The absence of many of the key armed faction leaders and of regional and local administrative entities made the new government extremely vulnerable to spoilers and these groups prevented the TNG from establishing its authority in Mogadishu, let alone the rest of the country. The eviction of the parliamentary speaker from Bakool region, the blocking of the re-opening of the airport and seaport, and the refusal to allow the president to use Balldoogle airport were some of the major setbacks imposed on the TNG by the warlords.

## Peace and Conflict Dynamics

One of the weaknesses of the Arta process was inadequate attention in the preparatory stages to the evolving political and military dynamics in Somalia during the late 1990s as well as the inter-relationship between clan and strong regional interests. During this period, there were numerous attempts to capture new territories, liberate occupied territories, establish local administrations, and forge alliances from which new military and political power brokers were emerging. In key instances these were reinforced by the role of external actors, notably regional governments, and the shifting alliances were associated with worsening conflict dynamics in south-central Somalia. Furthermore, from the outset the Djiboutian President Guelleh's targeted attack in his speech at the UN General Assembly on faction leaders for responsibility for the plight of the Somali people had been effective in winning popular support amongst the Somali public but minimised opportunities for engaging the armed actors. Finally, the growth of the Islamic movement and its infrastructure were not considered beyond clan dynamics, nor was there sufficient attention to whether the key contenders for the presidential post would be able to deliver peace in Mogadishu. The Arta process was faced with a series of competing interests amongst different actors and stakeholders and their different political philosophies, including<sup>54</sup>:

- Unionist versus clan federalists (the 'building block' approach)
- Relative political stability (Puntland and Somaliland) versus instability (south central Somalia)
- The armed versus unarmed actors

In addition, the Somali region remained as vulnerable as ever to the competing agendas of powerful external interests such as Ethiopia and Egypt (including their competition over the Nile waters). Although the Djibouti government consulted the major regional and international bodies and neighbouring countries before launching its initiative, Ethiopia, in particular, was not sufficiently engaged to allay its concerns and pursued a different course of action on Somalia.

Virtually as soon as the Arta process concluded, Ethiopia started organizing and promoting opposition to the TNG in regional and international forums. In January, 2001, representatives of the Puntland state and four factions - the RRA, SPM, SNF, and SSNM/BIREM - met in Elberde, near the Somali-Ethiopian border, and established the National Restoration Council (NRC), with the declared intention of convening a reconciliation conference within 45 days in Baidoa (see annex 6). In March, the Mogadishu faction leaders

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<sup>53</sup> CRD interview with Asha Haji Elmi, woman activist and politician, in Nairobi, February, 2008

<sup>54</sup> CRD interview with Matt Bryden, Nairobi, January 2008



who had not participated in the Elberde meeting - but opposed the TNG - joined the group in a meeting in Awasa sponsored by Ethiopia. On 13 March, the Ethiopian government informed the UN Political Office for Somalia that the objective of the Awasa meeting was to facilitate discussions with the TNG but ten days later the Awasa group formed the Somali Restoration and Reconciliation Council (SRRC) with the stated aim of holding an all-inclusive national reconciliation conference within six months in order to form a 'representative Transitional Government of National Unity'. In response to these developments, the TNG Prime Minister accused Ethiopia of interfering in Somali affairs and wrote to the President of the Security Council on 21 March 2001 requesting the Security Council to take action to prevent Ethiopian interference. Ethiopia rejected the accusation in a letter to the President of the Security Council on 4 April 2001. Subsequently, on 8 September 2001, the SRRC leadership informed the Special Representative of the Secretary General that the conference was postponed and would be convened in late 2002<sup>55</sup>.

There were several reasons for Ethiopia's opposition to the TNG. Initially Ethiopia had believed that the process would fail due to the limited capacity of the Djibouti government<sup>56</sup>. As the talks progressed, and because Djibouti did not provide Ethiopia with a specific role in the management of the process, Ethiopia became suspicious about the outcome, particularly as it engaged opposition figures from Somaliland and Puntland (both allied with Ethiopia). These dynamics were aggravated by the provocative stance of the TNG with respect to Ethiopia<sup>57</sup>, including its repeated claims to represent the united Somalia (including Somaliland and Puntland). The TNG's position echoed Djibouti's interest in a united Somalia, in contrast with Ethiopia's preference for a federated system over which it could have greater influence. Indeed, some analysts regarded Djiboutian President Guelleh's apparent inability to engage the Somaliland and Puntland presidents in the Arta process as part of his strategy to avoid their considerable influence in the peace process, micromanage the outcome, and support a government for a united Somalia<sup>58</sup>. Ethiopia also expressed serious concerns about links between the TNG and the militant group Al Itihad Al Islamiya and its leader, Hassan Dahir Aweys, who at that time was playing a key role behind the scenes in Mogadishu. These were echoed in the guarded IGAD endorsement of the Arta process (November 1999, annex 4) in its reference to terrorists.

## Trust and Confidence Building

Although Somali representation in the Arta process was broader than at earlier conferences, its focus was political reconciliation (power-sharing and state-building) not social reconciliation (healing memories, restoring trust, building mutual confidence). Social reconciliation was undertaken as an informal parallel activity with no formal place in the schedule.

A clear indicator of the consequences of this approach was the inability of the clan-families to distribute parliamentary seats among themselves without resorting to the arbitration committee. As one former member of the Transitional National Assembly commented "No single clan succeeded in distributing the parliament seats among themselves"<sup>59</sup>. As a result, it was in fact the arbitration committee that distributed the parliamentary seats, not the clan leaders and elders, and although the conference plenary had mandated this task to the committee, it lacked agreed criteria to guide the distribution of seats objectively. Nevertheless, the role of the arbitration committee was seen by many participants as a success story in the reconciliation processes and an indication of the restoration of a certain level of trust "If the participants had not succeeded in restoring a level of trust between themselves while in Arta, they wouldn't have accepted the decisions of the arbitration committee. But not one clan rejected the verdict of the committee"<sup>60</sup>.

55 Report of the Secretary-General on the situation in Somalia, October 2001

56 Ibid

57 CRD interview with Dr. Hussein Haji Bood, Mogadishu, December 2007

58 Interview with Somali observers, March 2009

59 CRD interview with Ahmed Abroone Amin, deputy speaker of the Transitional National Assembly, Mogadishu, November 2007

60 CRD interview with Dr. Hussein Haji Bood, TNG deputy prime minister, Mogadishu, December 2007

Despite this modest progress towards social reconciliation during the Arta process itself, the trust and confidence of the Somali public in the newly formed TNG was rapidly undermined by questionable financial management. This included the importation of newly printed Somali shillings by close allies of the government leadership and acceptance of these notes as the official currency of the state, increasing inflation and dependence on foreign currencies like the US dollar, not easily accessible to ordinary citizens. Mismanagement of the limited financial support received from international donors created conflict among the state's financial institutions (the Central Bank, Ministry of Finance, and the Prime Minister's office).

The public also questioned the unrealistically large number of government ministries with no clear mandate, making them prone to conflict and confusion, undermining the functionality of the nascent state institutions. These dynamics were aggravated by the lack of teamwork, at best, and confrontational relations, at worst, between the TNG president and his prime ministers (Ali Khalif, then Hassan Abshir, and lastly Mohamed Abdi Yusuf).

Finally, the TNG failed to sustain the spirit and the momentum of the reconciliation process begun in Arta once the government relocated in Somalia. Although the TNG established a National Commission for Reconciliation and Property Settlement to follow up on the deliberations of one of the Arta committees and advance reconciliation, the Commission never became active and its chairman, Abdirizaq Hagi Hussein, resigned on 25 July 2001. Instead of furthering and consolidating the reconciliation process inside Somalia, divisive issues relating to the definition of citizenship rights became a hindrance to trust and confidence building<sup>61</sup>. Primary amongst these were the unresolved issues of *ku dhashay* (rights associated with being born in a particular location in Somalia), *u dhashay* (rights based on clan membership) and *ku dhaqmay* (rights based on living for a long period in a certain location even if born elsewhere). The efforts towards reconciliation that had been begun in Arta were not sustained in order to address these unresolved questions, which had particular relevance to the status of the capital city, Mogadishu.

## External Factors

The role of external actors has always been crucial in Somali national peace processes, none of which have been locally initiated or have succeeded in engaging all (or even most) of the major actors, particularly the armed leaders. Each national level Somali peace process has been externally driven with very limited ground preparation. Consequently, many of the local actors have minimal local constituency and limited preparedness to engage. Despite some efforts to counter this trend, this was also the case in Arta.

These limitations do not imply sinister international agendas. On the contrary, the international financial and technical support provided for many of the national peace processes were indicators of international goodwill towards resolving the Somali crisis. However, there is also a tendency to hesitate to provide timely financial investment in the outcomes as the transitional government attempts to establish itself inside Somalia, resulting in missed opportunities and often seen as indicating a continuation of the 'containment policy' of western governments towards the Somali region. A level of ignorance among key influential international actors with respect to both the Somalis and the Horn of Africa region as a whole can also mean some of the dynamics at play are underestimated, such as the longstanding animosity between Somalia and Ethiopia that has shaped the political cultures of these neighbouring states over centuries.

In the case of the Arta peace process, the TNG received the backing of the UN to sit in the UN General Assembly, the first Somali authority to do so since the collapse of the Barre regime, but only limited financial

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61 CRD interview with David Bell, DfID, Nairobi, 28 January 2008

and technical support from the international community either for the process itself or its outcome, the TNG<sup>62</sup>. Some of the factors were: the legacy of frustration arising from the failures of the UN mission in Somalia (UNOSOM); suspicion amongst some donor governments that the exercise was primarily a political platform for the new Djibouti leadership; and the concerns of Ethiopia, a key partner with great influence with the international community in the Horn of Africa, with the Arta process and its outcome<sup>63</sup>. The final blow was that the Arta process and the TNG, in promoting a unitary state, challenged the internationally agreed principle of the ‘building blocks’ approach and, by engaging their respective opposition figures, threatened the existence of the relatively peaceful and stable areas of Somaliland and Puntland<sup>64</sup>.

## Achievements

One of the key achievements of the Arta process was to disrupt the vicious cycle of accommodating only armed groups in national peace processes. By supporting the emergence of other power brokers, the wider society was empowered to become conscious of their role in deciding their fate, with a number of positive benefits over the next few years (notably, for example, in Mogadishu). The Arta process was also the first to give Somali women an explicit role in resolving the Somali crisis<sup>65</sup>.

Another achievement of the Arta process was its demonstration that a high level of public interest and engagement could be sustained even when the peace talks were located outside Somalia, through effective use of the media and cultural drama, including via its dedicated satellite TV channel. This provided a remarkable level of outreach, even into rural areas and the diaspora, and the daily broadcasts enabled members of the public to pressure their representatives, albeit long distance.

The nature of the venue of the Arta peace process was another positive aspect, reflecting the cultural, social, emotional and community ingredients as a setting for the conference.

In concrete terms, the Arta process compared favourably with the series of previous peace processes as the first to achieve the following outcomes:

- Transitional national charter for government
- Formation of a Parliament
- Parliamentary selection of a President
- Appointment of a Prime Minister
- Formation of a Cabinet

The resulting institutions and structures were weak but nevertheless, the TNG was able to defuse tensions at local levels in some of the regions of south-central Somalia<sup>66</sup>. Despite occasions on which the TNG was accused of inciting insecurity in other parts of Somalia, notably by Puntland state, it was not generally perceived as perpetuating violent conflict.

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62 Report of the Secretary-General on the situation in Somalia, October 2001

63 CRD interview with Walid Musa, EC, Nairobi, January 2008

64 CRD interview with Matt Bryden, Nairobi, January 2008

65 CRD interview with Asha Hagl Elmi, woman activist and politician, Nairobi, February 2008

66 CRD interview with Ahmed Abroone Amin, the deputy speaker of the Transitional National Assembly, Mogadishu, November 2007

# The IGAD-led Somali National Reconciliation Conference: the Mbagathi Process

## Summary

The Somali National Reconciliation Conference hosted by Kenya from October 2002 to late 2004 represented the first sustained effort by regional states (under the aegis of the regional body IGAD<sup>67</sup>) to broker peace in Somalia, by reconciling the TNG and the opposition SRRC. Unlike many of the past conference, it was designed to address real conflict issues rather than focus exclusively on power-sharing deals. The talks began in the town of Eldoret before being relocated in February 2003 to Mbagathi, outside Kenya's capital Nairobi - thus are commonly known as "the Mbagathi process". The process culminated in the endorsement of a Transitional Federal Charter and the establishment of the Transitional Federal Government with a five year mandate to further national reconciliation and oversee the implementation of critical transitional tasks, including the establishment of security and drafting of a constitution. This study examines the process's original principles and objectives and the extent to which these were successfully enshrined in the talks and the objectives were actually achieved. Although many of the subsequent events following the relocation of the Transitional Federal Government to Somalia (up to May 2009) occurred after the peace mapping study had been formally completed, there are important lessons to be learned from recent developments and these are also briefly reviewed.

A recurring dispute throughout the talks related to representation (by faction or by clan) and who would select the delegates (and later the MPs). Traditional, religious and business leaders were sidelined, aggravating the weak public outreach during the two year process. Early 'legitimisation' of key faction/ political leaders as the 'Leaders' Committee' by the facilitators - the Technical Committee comprising Ethiopia, Djibouti, and Kenya - meant the process was effectively monopolised by these two groups and focussed heavily on power-sharing negotiations rather than resolution of core conflict issues as originally intended. Expectations the Kenyan chair would moderate the opposing influences of Ethiopia and Djibouti (and their respective Somali allies) were not fulfilled and instead Kenya was seen as aligning itself with Ethiopia amidst accusations of bias from both delegates and observers. Although the state security agendas of the frontline states appeared to be key drivers in the process - and security is a key concern of Somali communities - no coherent strategic consideration was given to development of effective transitional security arrangements.

The talks ultimately resulted in the formation of a transitional government with strong backing by Ethiopia, but lacking broad-based support. It was unable to establish itself in Mogadishu and in mid-2006 the ascendant Islamic Courts Union (ICU) defeated rival faction leaders and took over much of south-central Somalia. Ethiopian/ TFG forces defeated the ICU in early 2007 but the resultant armed insurgency and violent conflict precipitated a devastating humanitarian emergency. Subsequently UN-sponsored mediation brokered an agreement on the withdrawal of Ethiopian troops from Somalia and enlargement of the parliament to include opposition figures (January 2009). The Somali public, at the time of writing (May 2009) appear cautiously supportive of the latest peace agreement and a negotiated approach to restore security while the Charter still provides the basis for tasks to be carried out in the transitional period.

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<sup>67</sup> The regional Inter-Governmental Authority for Development (IGAD) of Djibouti, Eritrea, Ethiopia, Kenya, Sudan, and Uganda has a revised mandate since 1996 to promote regional political and economic cooperation. The IGAD Secretariat was not equipped to play an autonomous role in mediation - the Front Line States Committee retained the lead responsibility throughout.

## Origins of the IGAD-led Peace Process

As described elsewhere in this study, the Transitional National Government (TNG) that emerged from the Arta peace talks in 2000 was the first Somali government since 1991 to command a degree of national legitimacy and reoccupy Somalia's seat in the UN General Assembly but it was unable to become operational in the face of internal and external opposition, lacked international funding, and its mandate was due to expire in August 2003 with little prospect for a planned transition of power. While Djibouti had hosted the establishment of the TNG, based on a Hawiye-dominated, Mogadishu-based alliance with Islamists, Ethiopia supported a rival coalition of armed factions – the Somali Reconciliation and Rehabilitation Council (SRRC), led by Puntland President Abdulahi Yusuf, dominated by lineages of the Darod clan family and based mainly outside Mogadishu. These two loose coalitions monopolised the political-military landscape, the former favouring centralised government and the latter a federal state. Several Mogadishu-based Hawiye warlords formed shifting alliances, generally seen as undermining attempts to form a government, while Somaliland sustained its position of independence.

Following the 9/11 attack in 2001, international interest in Somalia was reignited for the first time since UNOSOM's departure in 1995. The US government expressed concerns, shared by other western countries, that Somalia provided a potential safe haven for Al Qaeda (Rice 2003). It increased its surveillance and froze the accounts of Somali financial institutions allegedly connected with terrorist groups (ICG 2002). European countries, which also had an interest in reducing the refugee flow into Europe, indicated they would fund a regionally-led peace process.

In December 2001 Kenyan President Moi attempted to broker a deal between the TNG and the SRRC at talks in Nakuru, Kenya, and Ethiopia hosted parallel consultations with the rest of the SRRC in Godey, Ethiopia. The complex interplay of regional agendas in the Somali crisis was apparent but Moi was preparing to step down after twenty years in power and had an interest in projecting himself as a regional peace-broker (hosting at the same time the Sudan peace talks from 2002). Meanwhile, faction leaders saw an opportunity to return to positions of influence that they had been denied since 2000 and indicated an interest in reaching a solution through dialogue rather than force. The combination of factors prompted diplomatic consultations on a new Somali national reconciliation process under the auspices of IGAD, to be hosted by Kenya and financed by the international community, principally the European Commission<sup>68</sup>.

## Conference Preparation

The IGAD foreign ministers delegated management of the Somali peace process to a Technical Committee comprising representatives of the 'frontline states' of Djibouti, Ethiopia, and Kenya and chaired by Kenya, which was expected to provide unbiased leadership and mediate between Ethiopia and Djibouti's different approaches over Somalia. The Technical Committee recommended a three-phase peace process, comprising:

1. Cessation of hostilities and agreement on structure and desired outcomes of the process;
2. Forming reconciliation committees to develop proposals to address core conflict issues;
3. Agreement on a transitional charter and formation of a government [to succeed the TNG]

The intention was to contain the influence of armed actors through agreement on the cessation of hostilities and create space beyond them for engagement of unarmed political and civic leaders. This would enable core conflict issues to be effectively addressed at a technical level in the second phase, ensure agreement and shared understanding of the nature of the state (centralised, federal or otherwise), and provide a work

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<sup>68</sup> 9th Summit of the IGAD Heads of State in Khartoum on 11 January 2002

plan for the government, which in turn would reduce the intensity of power struggles over government functions in the final phase. The plan was approved by the IGAD Council of Ministers on 6 September 2002 in Nairobi, emphasizing that the peace process should be Somali-owned and -driven under IGAD's facilitation and that the IGAD frontline states were committed to ensuring the outcome would be a broad-based and all-inclusive government of national unity. "The approach of the Frontline States is not to prescribe solutions but create a basis for dialogue" (Kenya's Special Envoy on the Somali peace process, Elijah Mwangale). A small group of international observers was formed through the IGAD Partners Forum (IPF), comprising the African Union, Denmark, Egypt, European Union, Italy, League of Arab States, Norway, Sweden, UK, USA, and the UN Political Office for Somalia.

## Phase I: Agreement on Federal Structure and Cessation of Hostilities

Over 300 Somali faction leaders, traditional and religious leaders, politicians, and civil society representatives attended the opening of the conference on 15 October 2002 in Eldoret, witnessed by IGAD Heads of States and representatives of the diplomatic community. Within two weeks, political and military leaders and a civil society representative signed the "Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process" on 27 October 2002 (annex 7). The first article, "to create a federal structure", reversed the unitary position of the TNG in favour of the federal agenda preferred by Ethiopia and its allies. The second article was a commitment to a Cessation of Hostilities and international monitoring of the implementation of the Declaration. However it lacked specific (and therefore enforceable) obligations on the part of the signatories and did not commit the parties to any subsequent ceasefire process. It was rapidly found to be ineffective and the immediate challenge was how to address violations, which began within days. The Technical Committee responded to outbreaks of violent conflict in Mogadishu, Gedo and Jubba regions by exerting pressure on the faction leaders to respect the Declaration and instruct their militia commanders to comply. The fighting died down but breaches continued throughout the process in the absence of mechanisms for either monitoring violations or ensuring accountability by faction leaders (none of whom had previously kept any agreement to which they had committed). Despite these shortcomings, the signing of the Eldoret Declaration by the key armed and political factions<sup>69</sup> was welcomed as a positive start, if somewhat surprising given the anticipated contention over the issue of federalism. "The difference with the Eldoret conference is that everyone realizes that war cannot solve the issues. It is the end of the road. We cannot achieve national goals through conflict"<sup>70</sup>.

## Representation

The process stalled throughout November over the issue of representation – broadly, whether this was to be decided by faction (favoured by the SRRC and Ethiopia) or clan (preferred by the TNG and Djibouti). Responsibility for establishing transparent selection criteria for the 300 Somali delegates lay with the Technical Committee and their internal divisions became vividly apparent, resulting in chaos. This was compounded by recurrent allegations of mismanagement by the conference secretariat, including invited delegates being omitted from the delegates' list and substituted with others. By November, over one thousand Somalis had turned up in Eldoret although eventually the number was reduced to 800 delegates, at a cost of over \$US 80,000 per day for accommodation and food.

One proposal was to allocate 100 seats for 'civil society' and 262 seats among sixteen factions (although these factions did not correspond to the signatories of the Eldoret Declaration). The formula favoured the SRRC and its allies, prompting the formation of a new rival factional alliance, the Group of Eight (G-8)<sup>71</sup> and

<sup>69</sup> A notable absence was the TNG President Abdiqassim

<sup>70</sup> Abdullahi Yusuf, then president of Puntland, quoted by ICG, December 2002

<sup>71</sup> The G-8 alliance was led by Mohamed Qanyare Afrah (USC) with Abdirizak Isak Bihi (SNF), Barre Aden Shire (JVA), Jama Ali Jama (Puntland), Mowlid Ma'ane Mohamud (SAMO/SRRC Nakuru), Umar Mohamud Mohamed "Finish" (USC/SSA), Osman Hassan Ali "Atto" (USC/SNA/SRRC Nakuru) and Sheikh Aden Madobe (RRA).

threats of military action, to which the Technical Committee responded with threats to arrest dissenting faction leaders (IRIN November 2002). A second proposal was to allocate 400 seats by clan according to the '4.5 formula' used at the Arta talks, an approach that allowed space for more authentic unarmed leadership. By late November 2002, the factions had blocked agreement on seat allocations and the talks were verging on collapse. Meanwhile, two terrorist attacks on Israeli interests on the Kenyan coast, in which the perpetrators were suspected to have travelled via Somalia, was a reminder of the wider interests for donor and regional governments in seeing the restoration of effective government in Somalia<sup>72</sup>. International observers made tough representations to factional and political leaders and, on 15 December, the leaders (with one exception) agreed to distribution of 300 delegates' seats on the basis of the '4.5 formula', to include representation for civil society and women. However, the faction leaders retained significant control over the selection, as discussed below.

## **The Leaders' Committee and the Somali Advisory Group**

The disputes over representation were complicated by the Technical Committee's unexpected decision to legitimise the signatories to the Eldoret Declaration as the "Leaders' Committee" and de facto highest Somali decision-making body in the peace talks by inviting the leaders to approve the conference procedures and the formation of a Somali Advisory Group. This was contrary to the entire spirit of the design of the process—simplifying management of the delegates but taking international observers by surprise. Their protestations were largely ignored (although the Leaders' Committee was expanded to include 'civil society' representatives). The Somali Advisory Group had been envisaged in the design of the process as a mediating body of eminent persons with political and moral authority, which would also provide technical advice to the Reconciliation Committees. The Leaders' Committee refused to approve its formation, seeing it as a potential rival for power and influence. For similar reasons the Kenyan Special Envoy closed evening film shows<sup>73</sup> of Somaliland elders sharing their experiences of reconciliation and sending messages of peace to their brothers in the south, which had been provoking lively and fruitful discussions.

## **Phase II: Reconciliation Issues**

Phase II, officially launched on 29 November 2002, was intended to "address in detail the core reconciliation issues required to establish peace in Somalia<sup>74</sup>" through technical working groups, called Reconciliation Committees, and was originally conceived to take six to nine months, ensuring thorough resolution of the issues and development of a work plan for the incoming government. The six core reconciliation issues were: the Constitution and Federal System; Economic Recovery; Land and Property Disputes; Demobilization, Disarmament and Reintegration (DDR)<sup>75</sup>; Conflict Resolution; and Regional and International Relations. 135 delegates were to be nominated to the committees by the plenary and, drawing on expert advice where appropriate, to develop proposals for discussion by the plenary. The chaos over the selection of delegates also pervaded identification of the committee members (with different lists circulating for some committees), overseen by the Leaders' Committee and based primarily on factional and clan interest rather than relevant competence. Nevertheless, the Kenyan Special Envoy announced that the second phase would be undertaken within three weeks, parliament formed and power-sharing agreed by the end of January 2003<sup>76</sup>.

<sup>72</sup> After blast, Kenya review Qaeda's trail in east Africa, New York Times, 1 December 2002

<sup>73</sup> The film "Dareen Dhalis" produced by CRD/ APD/ Interpeace is available in Somali and English

<sup>74</sup> "Proposed framework for the Somali reconciliation process", Somali peace conference secretariat (undated draft)

<sup>75</sup> In Phase II, Security Arrangements continued to be addressed as a less important technical matter rather than a key strategic issue, deliberated on by the DDR Committee, buffered by the Conflict Resolution Committee, with some technical training provided by NOVIB for interested delegates attending on a voluntary basis.

<sup>76</sup> Interview with European donor, Nairobi, March 2009

## **A New Envoy and a New Venue**

Following the election of the new Kenyan President, Mwai Kibaki, a new Kenyan Special Envoy, Ambassador Bethuel Kiplagat, was appointed on 18 January 2003. Both delegates and observers anticipated that engagement of this senior diplomat would revitalise the peace talks towards the original objective of addressing core conflict issues before moving to power-sharing and act as honest broker to counter allegations of bias in the Technical Committee's mediation. In February 2003, Kiplagat won a statement of renewed commitment to the process from the foreign ministers of the frontline states and agreement to establish a monitoring mechanism for the continuing violations of the Cessation of Hostilities. He then relocated the talks to Mbagathi, Nairobi, to improve management of access to the venue and curb escalating costs.

By May 2003, the six committees had completed their draft reports through the concerted efforts of a small number of committed members: key political and factional rivals demonstrated little interest in resolving core issues and most delegates were positioning for power-sharing. The Constitutional Committee had split over interpretations of 'federalism' and produced two draft Charters; a third was produced by a team of Somali experts chaired by the scholar Abdi Samatar, and a fourth by the Leaders' Committee. The four versions were harmonised with the help of two Kenyan lawyers but lack of agreement on the basic government structure hampered the work of the other reconciliation committees (including budgeting for the government itself). Despite the gap between the aim of Phase II and what had been achieved, a Harmonization Committee was formed to bring the reports together into a single coherent document.

Events taking place elsewhere in May 2003 included the Somaliland presidential elections, won by the incumbent Dahir Riyale Kahin, and a peace accord between Abdulahi Yusuf and Adde Musa in Puntland, ending two years of intermittent conflict and smoothing Yusuf's path at the Mbagathi peace talks. In June 2003, Kenya closed the airspace between Kenya and Somalia over a terrorism alert, another reminder of international concerns about Somalia remaining without effective governance. Through July 2003, the balance of power at the peace talks in Kenya was influenced by the absence of two key faction leaders who remained in Kismayo, unable to rejoin the peace talks in Kenya because of the continued threat of attack on Kismayo by Mohamed Hersi Morgan, who was heavily armed and backed by Ethiopia. Meanwhile in Mogadishu civic actors were taking advantage of the absence of faction leaders to mobilise community-based neighbourhood watch schemes to tackle an increase in local crime and the business sector was supporting the consolidation of sharia courts, also to improve local security. At this stage, both the mediators and donors hoped the peace talks would conclude before the expiry of the TNG's mandate in August 2003, allowing a smooth transition for the new government. However, little progress was made over the next few months and divisions deepened, despite efforts by the Kenyan chair to clarify some of the contentious points (see his press statement, annex 9).

## **Deepening Divisions over the Charter and its Approval**

By August 2003, the plenary debates on the draft Charter were heated and confusing. The failure to provide amended copies in advance or to clarify the rules of procedure for adoption of articles resulted in bizarre scenes in which the plenary debated conflicting versions and it was hard to know whether specific articles had been amended, adopted or passed over for further discussion. Ethiopia's active management, and the Kenyan chair's acquiescence, generated accusations that the plenary was being stage managed while the lack of political weight amongst the international diplomats further reduced options for a more effective process at this stage.



The disputes over the draft Charter centred on the articles relating to the status of the capital, the official second language, the status of federalism, and parliamentary selection, with opposing views in each case by the TNG/ Mogadishu group (backed by Djibouti) and the SRRC (backed by Ethiopia). The former wanted Mogadishu as the capital without caveat (giving them leverage over the incoming government) while the SRRC wanted an option of an interim capital until security in Mogadishu could be guaranteed. When the SRRC had refused Arabic as the second language, the delegation from the League of Arab States had walked out (Arabic was reinstated). The TNG/ Mogadishu group wanted federalism to be implemented during the transitional period (not stipulated at the outset in the Charter) and based on the 18 regions of Somalia in 1991 while the SRRC, led by Puntland's Abdulahi Yusuf, wanted a commitment to federalism and recognition of de facto administrations (including Puntland). The contention over representation resurfaced over the selection of MPs with the SRRC promoting adoption of the plenary (which it was widely seen as dominating) as the basis of the parliament or selection led by faction leaders while their opponents rejected the faction leaders' monopoly over selection and advocated broadening the spectrum of the parliament by entrusting traditional leaders with responsibility for nominating MPs in consultation with faction leaders. The issue of MP selection was further complicated by the Technical Committee's intention to identify Dir representatives for the parliament rather than compromising by allocating seats for Somaliland without filling them as advocated by western observers keen that the talks should not undermine Somaliland's stability. Somaliland responded by reiterating its independence, welcoming bilateral talks, warning Abdulahi Yusuf against further threats to communities in the territories disputed between Somaliland and Puntland, and refusing a visit by the UN Political Office (media August 2003).

Although the TNG/ Mogadishu group had become progressively more critical of Ethiopia's active role in the Technical Committee's mediation, the TNG itself had appeared increasingly irrelevant, with its mandate due to expire in August 2003 and its perceived unity undermined when the prime minister and speaker had decided to stay at the talks after being recalled by the TNG president in March 2003. However, accusations of manipulation of the plenary in the disputes over the draft Charter provided an opportunity for the TNG's resuscitation when several prominent disaffected faction leaders<sup>77</sup> left the talks for Somalia and met with Abdiqassim in Mogadishu, aggravating concerns amongst international observers about the lack of 'inclusivity' of the peace talks and the potential for a divisive outcome with military repercussions.

Despite protestations by the international observers to the Kenyan chair on the need to address the political contention over 'federalism' and serious inadequacies in the draft Charter itself, he maintained the differences over federalism were a matter of syntax not substance. Amidst growing concerns that adoption of the Charter would be pushed through the plenary before anyone had been able to review it or political differences had been addressed - and with key faction leaders boycotting the talks - in mid-August the international observers reinforced the need for political dialogue. When the plenary was informed that international observers were proposing suspension of the talks for consultations (to persuade disaffected leaders to return), Ethiopia threatened to withdraw, SRRC delegates complained of interference by external actors with hidden agendas, and demonstrations were held at Mbagathi and Eastleigh for the talks to continue. By this time, the reconciliation between two of the three leaders of the Rahanweyne clan with the SRRC reinforced perceptions that the process was loaded in favour of the SRRC and the election of Abdulahi Yusuf, providing little incentive for those outside the talks to return.

On 8 September, the Technical Committee released the seventh draft of the Charter<sup>78</sup>, reiterating the contested text on the creation of a transitional federal government. Under pressure from international observers, the

77 Muse Sudi Yalahow and Osman Hasan Atto (Mogadishu-based faction leaders), Barre Hiirale (JVA), and Muhammad Ibrahim Habsade (RRA), IRIN, 30 September 2003

78 Five Somali lawyers from the delegates worked with a Kenyan lawyer to improve the structure of the draft Charter: Version 6 was a working document for the sub-committee appointed by the plenary to review version 5

Technical Committee and diplomats engaged in vigorous shuttle diplomacy to persuade disaffected leaders to return to the talks on 14 September 2003 but when the Technical Committee refused to reopen debate on the draft Charter, Abdiqassim immediately returned to Somalia. The next day, 15 September 2003, the Transitional Federal Charter was “approved by acclaim” in the plenary (NOVIB), signalling a victory for the SRRC and Ethiopia. Both the outcome and the way in which it had been reached triggered eruptions among Somali delegates and the Technical Committee itself. Djibouti temporarily withdrew in protest at the SRRC’s monopoly of the plenary and the way in which the Charter had been produced and approved<sup>79</sup>. And the same group of disaffected leaders returned to Somalia, issued a statement with the TNG criticising the talks, and recognised the continuing mandate of the TNG<sup>80</sup>. The Mbagathi process was heading for a one-sided outcome that favoured the SRRC (backed by Ethiopia) and alienated the TNG alliance (backed by Djibouti and several Arab countries). The worst case scenario of severe polarisation between the political-military groupings increased the risk of large-scale conflict, prompting the EU and US to lobby Kenya to restore ‘critical inclusivity’ at the talks and address divisions in the Technical Committee. These efforts were not helped by a speech by former Kenyan President Moi<sup>81</sup> asserting neither Ethiopia nor Kenya could be entrusted with Somali reconciliation since both fear that a reunited and prosperous Somali nation might resurrect its territorial claims for the ‘greater Somalia’.

IGAD<sup>82</sup> tackled the crisis by expanding the Technical Committee (re-named the Facilitation Committee) to include the other IGAD states of Eritrea, Sudan and Uganda, and the AU Special Envoy; committing to sustained engagement by IGAD foreign ministers; and agreeing to conclude Phase II but not launch Phase III until the Somali leaders had been consulted (thus satisfying both camps). However Ethiopia reacted to criticisms of its approach, the perceived ‘resuscitation’ of the TNG president, and allegations of its arms shipment to certain faction leaders by effectively absenting itself from the peace talks. Its key ally, Abdulahi Yusuf, was already well-funded and positioned for Phase III and Ethiopia was not to resume high level engagement until May 2004. The other IGAD states engaged in intensive shuttle diplomacy to get agreement on an agenda for the ‘Leaders’ Consultations’ – and on participation. While the SRRC supported the Leaders’ Consultation, they wanted it limited to the members of the Leaders’ Committee plus Abdiqassim (24+1 formula) but the alliance of leaders associated with Abdiqassim insisted on broader representation. Eventually, after two postponements and an IGAD communiqué threatening leaders who boycotted the meeting with unspecified repercussions, the Leaders’ Consultations went ahead in January 2004 with the aim of resolving disputes over how federalism would be implemented, parliament selection; the duties of the president, prime minister and parliamentary speaker; and a ceasefire and monitoring mechanism.

### **Safari Park Declaration, January 2004 and Ethiopia’s Return, May 2004**

The Presidents of Uganda and Kenya launched the meeting of political and factional leaders (now numbering thirty eight) on 9 January 2004 at the Safari Park Hotel, Nairobi. After intensive bargaining, the Safari Park Declaration was signed by eight figures, including Abdiqassim, on 29 January but immediately disowned by several leaders who claimed, apparently with some justification, they had been deliberately misled by the different versions of the document being circulated (ICG 2004). The Kenyan Foreign Minister’s attempt to salvage the crisis through a ‘clarification’ on 17 February failed to appease several SRRC leaders, who left the talks.

The ‘Safari Park Declaration’ made several amendments to the Charter adopted by the plenary in September 2003, while retaining evolution of the federal system over two and half years followed by a constitutional

<sup>79</sup> Media reports, September 2003

<sup>80</sup> The National Salvation Council consisting of 12 factions under the chairmanship of Muse Sudi Yalahow, Report of the UN Secretary-General on the situation in Somalia S/2004/115, 12 February 2004

<sup>81</sup> Speech made by former Kenyan President Moi at the National Defense University, Washington, September 2003

<sup>82</sup> 10th IGAD summit, October 2003

referendum. Parliament selection would utilise the '4.5 formula' (61 seats each for the four major clan families and 31 for the minority groups collectively). However the formulation that MPs would be selected by sub-sub-clan political leaders attending the Nairobi consultations and endorsed by genuine traditional leaders was open to different interpretations. The TNG and its allies maintained this referred to all 38 leaders attending the Leaders' Consultations while the SRRC group had been insisting on the '24+1' formula - by signing the Declaration, they appeared to have surrendered their advantage in the plenary. The proposed selection of MPs by political and faction leaders was also unpopular for different reasons with a significant group of respected academics, professionals and traditional leaders headed by the former Prime Minister Abdirizak Hajji Hussein (1964-7). They appealed to the international community to "cease the legitimisation of illegitimate entities" [faction leaders] and instead support an initiative based on more credible and representative leadership (ICG 2004).

Despite numerous protests, the Facilitation Committee began preparations for the plenary to endorse the Declaration and launch Phase III. The UN Security Council warned that "those who obstruct the peace process and persist on the path of confrontation and conflict will be held accountable" and the Kenyan chair urged leaders who had left for Somalia to return (IRIN March 2004). However the process was again on the point of collapse, this time through Ethiopia's suspension of active engagement since October 2003 and a significant number of SRRC leaders and the former TNG prime minister and speaker announcing their intention to withdraw.

In May 2004, with security deteriorating inside the Somali region, the IGAD foreign ministers met in Nairobi, marking Ethiopia's return to the peace talks. The Kenyan chair made it clear that the talks were utterly stalled and could only be concluded successfully with the full support of all IGAD states. The ministers agreed to share responsibility for bringing key leaders back to the process and achieve sufficient consensus for a workable government to be formed. The IGAD foreign ministers held another four meetings in May and June, demonstrating, for the first time, senior level commitment to concluding the Somali peace talks successfully. The new-found cohesion of the IGAD frontline states, led by Ethiopia, persuaded a number of the leaders to return to the talks and the Kenyan Special Envoy called for smart sanctions by the IGAD governments against Morgan (the only major faction leader absent for Phase III, AFP, July 2004). Encouraged by the revival of the talks, international donors began to prepare a Rapid Assistance Program for the new government.

### **Phase III: Power-sharing**

Having reached a working compromise on their own internal divisions, the IGAD foreign ministers launched Phase III on 22 May 2004 at the 6th IGAD Ministerial Meeting in Nairobi. Somali traditional leaders arrived to oversee selection of 275 MPs according to the '4.5 formula' and formed a Somali Arbitration Committee in June 2004 to mediate any disputes over MP selection. Nevertheless, many traditional leaders complained of being sidelined and that the selection was manipulated by faction leaders in collusion with the IGAD Facilitation Committee.

On 22 August 2004, 206 selected members of the Transitional Federal Parliament took the oath of office at a ceremony held at the United Nations in Nairobi. Eight members did not appear and another sixty-one seats were yet to be allocated due to disputes within the sub-clans (IRIN August 2004). The violation of the Charter's provision for 12% of seats to be allocated to women went unchallenged by the Facilitation Committee despite protests from civil society and international observers. The parliament held its first session on 2 September 2004 and on 15 September elected the speaker, Sharif Hassan Sheikh Aden.

During this period, the heavy military build-up in Juba erupted into violent clashes in which Morgan was defeated and fled to Kenya.

The parliament elected Abdullahi Yusuf Ahmed as President of the Transitional Federal Government on 10 October 2004 after he secured a convincing victory in three rounds of voting among 26 candidates<sup>83</sup>. The president's first move was to appeal for 20,000 AU peacekeepers to support his new government<sup>84</sup>. His request had not been endorsed by either the parliament or cabinet and appeared to signal his intention to impose authority by force, undermining illusions of a broad-based government of unity, particularly with respect to the Mogadishu warlords (now MPs). The price of weapons and ammunition in Mogadishu immediately increased.

The President nominated Ali Muhammad Gedi as Prime Minister, a civilian figure with connections with Ethiopia but not well known as a political actor. His nomination violated the Charter's provision that the prime minister and cabinet should be drawn from the parliament, accommodated by the first instance of 'seat swapping' when an MP from the same sub-sub-clan, Mohamed Dhere, 'gave' his seat to Ali Gedi. The nomination was initially rejected in a raucous parliamentary session but approved on 23 December after heavy bargaining amongst faction and clan leaders (IRIN 23 December 2004). The Prime Minister nominated a large 82 person cabinet, eventually approved by parliament on 7 January 2005, which brought key faction leaders together for the first time since 1991 but was neither lean nor inclusive and balanced. Heavily weighted in favour of the SRRC alliance, some key positions were held by members of the President's own clan<sup>85</sup>. Amidst accusations of Ethiopia's influence in the cabinet selection, video was leaked of an Ethiopian diplomat reportedly dictating cabinet appointments in a meeting with the President and Prime Minister<sup>86</sup>. The Somali public was unimpressed by the return of faction leaders as cabinet ministers and both Somali and international observers were dismayed by the cabinet's very large size and were not persuaded by references to a 'disarmament cabinet'.

No further attempt was made to reach a formal ceasefire agreement that could be monitored by the proposed IGAD deployment of military observers<sup>87</sup>. International donors drafted the Stockholm Declaration of Principles as the basis for structured engagement with the transitional federal institutions and agreed on a joint Coordination and Monitoring Committee. However the subsequent inability of the UN and the World Bank to agree on who would co-chair with the TFG rendered the committee defunct and the Principles were rarely referred to again. The donors' insistence on lean institutions and benchmarks to guide disbursement of funds dissipated within months and far more emphasis was given to the establishment of government than the transitional tasks it was mandated to fulfil, including furthering reconciliation and drafting a constitution. Ultimately, Western governments' uncritical funding of the TFG and silence over its chronic human rights abuses forfeited their neutrality in what was to become a devastating period of civil war (Menkhaus 2008, see also annex 12, timeline of political-security events).

## **Implementation - and security and stabilisation<sup>88</sup>**

Within two months the TFG had split after a parliamentary brawl in March 2005 over proposed deployment of IGAD peacekeepers and relocation to an interim capital. The Speaker led a group of ministers and MPs

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83 1<sup>st</sup> round Abdullahi Yusuf 80 (Abdullahi Addow 35, Mohamed Qanyare 33, A'rahman Jama Barre 18, Abdiqasim 16, Mohamed Hussein Addow 14); 2nd round Abdullahi Yusuf 147 (Abdullahi Addow 82, Mohamed Qanyare 38); Yusuf agreed to a 3rd round to avoid any confusion over his mandate as president (189 votes against Addow's 79)

84 Speech by President Yusuf at his inauguration on 14 October 2004

85 Defence, International Cooperation, Police Commissioner, and Director of Intelligence

86 Interview with international diplomat, Nairobi, March 2009; ICG December 2004

87 IGAD Foreign Ministers agreed in March 2005 on an initial IGASOM deployment of troops from Uganda and Sudan and excluding Front Line States (echoed in the AU and UN authorisation of AMISOM in late 2006).

88 Reports of the UN Security Council and the panel of experts 2007-9; ICG 2008; Human Rights Watch 2007, 2008; Ken Menkhaus, 2007 and 2008

(the Mogadishu wing) to Mogadishu while the President and other ministers remained in Kenya (the Yusuf wing). Mass civic mobilisation supported by business people and the Mogadishu wing - the Mogadishu security and stabilisation plan<sup>89</sup> - failed to persuade the President of security guarantees and in June 2005, under pressure from the Kenyan government to relocate to Somalia, the Yusuf wing left Kenya for the interim capital of Jowhar.

The AU agreed in principle to President Yusuf's early request for foreign peacekeepers but lacked the resources to deploy a military stabilisation force in the short term. Instead he mobilised militia from his own constituency, appointing allies into senior TFG military, security and police command posts and undermining opportunities for the development of representative national security forces and a credible stabilisation process. Ethiopia provided military assistance to train and supply the TFG militia while the US funded a group of faction leaders, the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT). These developments alarmed many people in south-central Somalia and provided the emerging Islamic Courts Union (ICU) - and later the jihadist militants Al Shabaab - with significant recruitment opportunities. With public support, the ICU took over Mogadishu in June 2006 and expanded control over south-central Somalia through the latter half of 2006 with Eritrean military support, while the Yusuf wing was confined to the interim capital of Baidoa under the protection of Ethiopian troops.

In response to these developments and under pressure from President Yusuf to provide assistance to TFG security capacities, donors commenced discussions with the TFG on a "National Security and Stabilisation Plan" (NSSP). Although the NSSP focussed primarily on support to the UNDP Rule of Law police programme, the President and Prime Minister made it clear this would involve a TFG counter-insurgency campaign as part of the "war on terror".

Amidst irredentist claims to the greater Somalia and an influx of foreign jihadists, the ICU attacked Ethiopian forces in Baidoa in December 2006, suffering heavy losses. Ethiopian troops entered Mogadishu and the ICU dissolved, passing its weapons to clan-based militia. US air strikes on foreign Al Qaeda suspects (and, later, on Al Shabaab) reinforced perceptions of US backing for the Ethiopian military action. Civilians in Mogadishu and elsewhere in south-central Somalia bore the consequences of the full-scale military occupation and attempted pacification by Ethiopian and TFG forces. The violence through 2007-08 resulted in the largest internally displaced population in the world (of up to 700,000 people), over 15,000 civilian deaths in 2008 alone, and a humanitarian emergency aggravated by the obstruction of access and aid delivery by both the TFG and the armed opposition (ODI, September 2008).

The Ethiopian military presence provided a unifying platform for recruitment and armed resistance and the various anti-Ethiopian formations, including Al Shabaab, grew rapidly. The UN and the international community remained largely silent over the gross violations of humanitarian and international law by all sides and lost both credibility and influence over the spiralling violence. In March 2007, the AU approved the deployment of the first contingent of AMISOM. It established a small triangle of protection around the port, airport and Villa Somalia (the president's palace) in Mogadishu and over time adopted a relatively neutral, low key profile through behind-the-scenes negotiations with anti-Ethiopian forces and key elders<sup>90</sup>. The scale and indiscriminate nature of the violence in Mogadishu eventually generated sufficient publicity to halt donor support for the compromised UNDP police programme and to mobilise donors' endorsement of calls by Somali and international NGOs for a ceasefire and efforts at civilian protection<sup>91</sup>. The election

<sup>89</sup> The plan was developed and implemented by civic activists, in collaboration with neighbourhood watches and women's groups, factional, political, clan and business leaders – see CRD/ Interpeace 2006, Menkhaus 2007

<sup>90</sup> However AMISOM's departure remains a key demand of many moderate Islamists as well hard-liners.

<sup>91</sup> A range of allegations of human rights violations were made against UNDP's Rule of Law Program by Human Rights Watch (2007, 2008), Channel Four television and Somali and international media. An internal memo by an EC Security Advisor warning of potential complicity in war crimes being committed in Mogadishu by TFG and Ethiopian forces and the risks of the UNDP program was leaked to the media. (New York Times, 6 April 2007.) The UN Report of the Monitoring Group on Somalia (December 2008) found UNDP to be in breach of the UN arms embargo on Somalia and confirmed many of the concerns previously expressed by human rights organisations

of a new Prime Minister (Nur Adde) in November 2007, who openly advocated negotiation, provided the opportunity for an alternative strategy, shift reflected in the joint effort by the EC, UK, US and UN to develop an “International Assistance Framework for the Security Sector in Somalia”. Addressing the relationship between stabilisation and counter-insurgency, a key paragraph placed adherence to the rule of law at the centre of security strategy:

”Whilst elements of the regional terrorist network operate in Somalia, legitimate counter-terrorism concerns will remain and counter-terrorism operations are likely to continue. However the best long term solution to address these concerns would be through the establishment of an effective and legitimate security sector which flows from adherence to the rule of law and both juridical and legislative accountability. To achieve this objective it is essential that the international security sector assistance strategy for Somalia is not subordinated to short term operational counter-terrorism priorities and remains fully consistent with international law.<sup>92</sup>

Although the document was endorsed by the International Contact Group in February 2008, the key recommendations were set aside for several months<sup>93</sup> and only re-emerged when the UN-sponsored Djibouti process between the TFG and the opposition Alliance for the Re-Liberation of Somalia (ARS) began in 2008, leading to establishment of the Joint Security Committee and another Ceasefire/ Cessation Agreement. Although it suffered from a continued lack of coherent focus on security issues, the Djibouti process itself gained traction and key elements of the original “Framework” document were introduced (principally by the Somali participants themselves) into a series of UN-led workshops aiming to negotiate a joint security management system between the TFG and the ARS, subsequently signed by the parties on 24 November 2008<sup>94</sup> (see annex 11) at a workshop organised by UNDP with experts from the security arrangements team for the IGAD-sponsored Sudan Comprehensive Peace Agreement.

In December, President Yusuf succumbed to international pressure to resign, Ethiopian troops withdrew to the borders, and displaced people began returning to Mogadishu. In January 2009, parliament was doubled to include MPs nominated by the ARS and elected Sheikh Sharif Sheikh Ahmed as the new president on 31 January 2009. The Eritrean wing of the ARS and Al Shabaab rejected the election but the public welcomed the withdrawal of Ethiopian troops and appeared cautiously supportive of the peace agreement and a negotiated approach to restore security. However, the return of the newly formulated TFG to Mogadishu met with opposition by a shifting alliance of armed Islamic factions, challenging the outcome of the peace accord and Mogadishu remains unstable at the time of writing (May 2009).

## Analysis

In principle, several factors seemed to favour possible resolution of the Somali crisis through the IGAD-led process. Management of the process by the three frontline IGAD states of Djibouti, Ethiopia and Kenya aimed to mediate the negative impact of conflicting regional agendas; most of the factional and political leaders were aligned with one of two coalitions, the SRRRC and the TNG/ Mogadishu group, potentially reducing contention over power-sharing; and the flow of arms and funds to faction leaders was expected to be curtailed in the post-9/11 environment. Concerned Somali and international observers anticipated

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92 International Assistance Framework for the Security Sector in Somalia, 2008, p.4: a year later the British Foreign Secretary's speech in Mumbai used this formulation to announce the change in British policy towards insurgency

93 Lack of strategic focus on security arrangements by mediators is not unique to Somalia. The Institute for Security Studies noted in relation to the Darfur Peace Talks in Abuja: “The lack of coherent, focused and effective provisions related to the security aspects of peace processes is a major weakness of many African peace agreements. Frequently the politicians who mediate peace agreements underestimate the significance of the security arrangements and relegate the security aspects to technical ‘add-on’ status with regard to a peace deal. .... Experience suggests that there is an urgent need to educate special envoys and mediators about the fact that security arrangements are central to a successful peace agreement and that the ‘deal-making’ approach they often follow to political aspects simply cannot, and does not, create sustainable security agreements.” (ISS, May 2007)

94 Communique of the Joint Security Committee, 24 November 2008

that Western governments would take the opportunity to address global security concerns in the Somali context by backing the establishment of effective governance for the Somali people in line with the view that “efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country” (Ghanim Alnajjar, Independent Expert on Human Rights, 31 December 2002). The original design of the process included a flexible timeframe, similar to that employed at the Arta peace talks; scope for serious technical discussions on core conflict issues for the first time since the Addis talks in 1993; and pragmatic recognition of existing and de facto entities. The process begun in October 2002 concluded two years later with a Transitional Federal Charter; selection of 275 members to the Transitional Federal Parliament; election by MPs of a President for a five year term of office; and appointment of a Prime Minister and formation of a cabinet. But despite the much-vaunted ‘inclusivity’ of the talks and hopes for a broad-based outcome, these achievements masked deep schisms. From the outset Ethiopia played an active role in steering towards the formation of a government led by its allies, the SRRC, as a way of addressing its state security agenda. The chaotic two year process, under the fractious mediation of the frontline states, was a repetition of the familiar ‘winner takes all’ approach to the Somali crisis and bore little relation to evolving dynamics in Somalia. International engagement was largely limited to funding the longest and most expensive reconciliation effort to date, reinforcing perceptions that the ‘containment’ policy still dominated international political agendas on Somalia.

## **Representation and the Leaders’ Committee**

The Technical Committee’s shifting criteria for participation was the most costly mistake of the peace process, politically and financially. The ensuing scramble to become a delegate reflected expectations that delegates would determine power-sharing arrangements. Key features in the design of the process to ensure civic representation were undermined and the lack of balance in the Technical Committee resulted in the plenary being dominated by the SRRC alliance. In contrast with the Arta peace talks, Puntland was officially represented although Somaliland was not. While elements of the TNG, backed by Djibouti and Egypt, saw the latter as potentially legitimizing the division of Somalia, international diplomats advocated a pragmatic approach that would enable Somalis to negotiate this dynamic at a later stage.

The direct involvement of the frontline states ensured the engagement of the two broad factional alliances (in contrast with the Arta talks) but the position of unarmed actors was undermined in the early stages by first, the weakness of the Cessation of Hostilities and absence of a mechanism to address violations and second, the legitimisation of the ‘Leaders’ Committee’, giving factional and political leaders veto power over representation. “The creation of the Leaders’ Committee gave them a monopoly, ignored the other stakeholders, killed the inclusivity of the process and there was mistrust among the leaders themselves”<sup>95</sup>. Some saw the formation of the Leaders’ Committee as a fatal error of judgment while others argued this suited the agendas of the frontline states. A senior elder summarised this “The conference was effectively monopolized by two groups, the IGAD Technical Committee and the Leaders’ Committee, legitimized by the former without consultation with the other Somali stakeholders....It was intended to appease the faction leaders”<sup>96</sup>. Disputes over the faction leaders’ monopoly over selection continued throughout the process in struggles for power over the plenary, the Reconciliation Committees, and parliament. In the absence of clear selection criteria, unarmed political groups and former military figures who had not gained access via their faction or clan instead sought entry as ‘civil society’ and the lack of organisation within the civic groups left them vulnerable to their seats being ‘captured’ by the clans. Similarly, many of the seats allocated for women were ‘captured’ by women representing their clan, weakening women’s voice in the process overall and, critically, with respect to women’s allocation of parliamentary seats.

95 CRD interview with Mohamed Abshir Waldo, senior Somali intellectual, Nairobi, 31 January 2008

96 CRD interview with Ugaas Abdirahman Ugaas Khalif in Belet Weyn, 6 February 2008

Traditional leaders had no clear role, in part because of concerns in some quarters that “allowing the elders too much authority in the process could provide a back door for the engagement of religious elements in the process, as had happened at Arta”<sup>97</sup>. Nor was the growing influence of the sharia courts reflected: rather, these stakeholders were actively sidelined, together with religious groups such as Ahlu-Sunna wal Jama’a “The whole religious sector was not considered adequately and was underestimated in the process”<sup>98</sup>. Despite its role in political-security dynamics and potential contribution in rebuilding the country, the business sector was also unrepresented. After the talks revived in May 2004, three meetings with business leaders were organised jointly by UNDP and WSP/ CRD in Dubai, Nairobi and Djibouti (the last chaired by the Djibouti president), resulting in declarations of good intent. A nominated contact group briefed the Mbagathi talks, acknowledging some of the negative impacts of the business sector in the Somali crisis but also challenging Kenya, Ethiopia and the faction leaders on their lack of serious intent to establish a broad-based government that could foster peace.

## **IGAD Mediation and International engagement**

Hopes that the Kenya chair would mediate the conflicting regional agendas of Ethiopia and Djibouti proved flawed. Ethiopia benefited from the weakness of the first Kenyan Special Envoy to influence the process to such an extent that the talks were already in serious crisis after two months when its involvement in procedural issues resulted in complaints of bias from both delegates and international observers. The second Kenyan Special Envoy did not moderate these dynamics, which were most apparent during the confused discussions on the multiple versions of the draft Charter. The poor capacity of the Conference Secretariat contributed to the problem<sup>99</sup>. Through its effective withdrawal from the mediation body from October 2003 until May 2004, many observers saw Ethiopia as having demonstrated its leverage over the process and its win-win position: either the government it favoured (as an ally in addressing its state security concerns) or no government at all<sup>100</sup>. And it was only at this point of crisis that the process received high level attention from the IGAD foreign ministers.

The lack of high level engagement by the IGAD states was mirrored by the wider international community. Some diplomats argued that the IGAD Partners’ Forum avoided direct engagement to reduce allegations of interference. Others maintained that “a key role of the international diplomatic community was to persuade Ethiopia and Djibouti to work together on the Somali reconciliation process”<sup>101</sup>. Somali delegates and others felt that diplomats failed to exert sufficient pressure on issues such as implementation of a monitoring and sanctions mechanism, transitional justice, or women’s quota of parliamentary seats<sup>102</sup> but in practice the small group of international observers had little political influence with the Technical Committee and Western diplomats struggled to get the attention of their capitals. The main function of international engagement was funding the process. The only senior politician was the Italian Special Envoy appointed in August 2003. Limited US engagement via a ‘Somali watcher’ at the US embassy led Somalis to conclude the US was sustaining its ‘containment’ policy on Somalia rather than supporting the resolution of conflict or the evolution of governance structures (later reinforced when the other strand of US policy became apparent in early 2006, namely a separate ‘counter terrorism alliance’ with a number of faction leaders who had attended the conference). The low level regional and international political engagement contrasted starkly with the Sudan peace talks also being hosted by Kenya from 2002, where the strong mediation team engaged experienced technical support and benefited from high-ranking international diplomatic engagement, giving ample scope for Somalis to reflect on regional and international priorities.

97 Interview with international donor, March 2009

98 CRD interview with international donor, Nairobi, January 2008

99 Examples included changing names (the delegate list in Eldoret, members of the Somali Arbitration Committee in June 2004, etc) and misrepresenting agreements (that between the IGAD foreign ministers on 22 June 2004, etc)

100 “There is a widely held belief that Ethiopia is working towards the formation of a transitional government led by Puntland Chief Colonel Abdulahi Yusuf – an outcome that would be deeply unpopular and, in the words of Ali Mahdi Mohamed, an influential Mogadishu politician, would trigger “a war the likes of which we have not yet seen” (ICG March 2003)

101 CRD interview with David Bell, DfID official, January 2008

102 CRD interview, Dr Habibo Haji Jim’ale, Mogadishu, 2008



## Funding and Timeframe

This was the longest and most expensive Somali reconciliation process to date, funded with over Euro 10 million from EC and European donors, with Kenya incurring substantial debts. Credible reports of large sums of money changing hands peaked during power-sharing negotiations, notably before parliament's election of the president<sup>103</sup>. Although the business sector made a contribution of \$25,000 in July 2004, the lack of Somali financial contribution fed Somali perceptions of an externally-driven process to reach a deal between faction leaders. Although the talks took place over two years, little of this time was devoted to substantive discussion. The process suffered from a perpetual cycle of pushes to conclude while failing to resolve substantial differences, which in turn lead to further stalemates. One factor was pressure on the mediators to facilitate the government's formation before the TNG mandate expired in August 2003 and another was sustaining funding to cover the costs of hundreds of delegates hosted in Kenya. In the Somali context, peace processes typically take the time needed to resolve core issues but benefit from community pressure on parties to the conflict to compromise because of the burden of supporting delegates. An externally-driven, externally-located and externally-funded process lacks these pressure factors, increasing the challenges for mediation.

## The Transitional Federal Charter and Phase Two Technical Reports

Despite improvements over earlier versions, the Charter has numerous contradictions, omissions, and superfluous detail, and the way in which it was produced and approved did little to further progress towards national reconciliation. Critical issues that were unresolved during the heated debates on the draft Charter have continued to dog the TFG, including the lack of clear division of labour between the president and prime minister. The landmark decision to create a federal structure of government (reversing the unitary position of the TNG) in the Eldoret Declaration was taken by a small group (dominated by faction leaders with little demonstrated interest in forming a broad-based government) and illustrates the effectiveness of 'getting in early' to influence a process. Contention over federalism divided the two dominant factional groupings and their respective regional benefactors, broadly reflecting concerns of the Hawiye and Darod clan groupings, and precluded effective discussion on numerous related issues to be addressed by the other five committees, including the cost of government and its sources of revenue, how the police force would be formed, etc. As a result, the original concept that Phase II would produce a workable plan for the transitional government was never fulfilled, out-dated expectations that foreign aid and foreign peace-keepers would fill the gaps went unchallenged, and the Phase II reports had little impact on government business. Some members of the committees maintain that the cabinet "sat on" the reports instead of disseminating them and that government performance would have improved if recommendations had been followed<sup>104</sup>. The Charter reduced the 25% quota of women MPs at the Arta talks to 12% but in fact only twenty two (instead of thirty three) women were made MPs. "Somali women were cheated in the process"<sup>105</sup> by the failure to pressure leaders to uphold the quota and women's contribution was also played down by traditional leaders<sup>106</sup>. The second early violation of the Charter was the president's nomination of his prime minister from outside parliament, although some Somali observers criticised the sharing of parliament and cabinet seats amongst delegates and others at the conference as a serious mistake, leaving nothing for those in Somalia or the diaspora<sup>107</sup>.

## Impunity and Justice

Repeated calls by delegates, the Somali public, and international observers to end impunity and implement a monitoring mechanism and 'smart sanctions' were reiterated by the UN Security Council in March 2003

<sup>103</sup> Interview with European diplomat and UN observer, Nairobi, 2009

<sup>104</sup> CRD interview Dr Nura Sheik Mohamed, member of Economic Recovery Committee, Mogadishu, March 2008

<sup>105</sup> CRD interview with David Bell, DfID official, Nairobi, 28 January 2008

<sup>106</sup> CRD interview with Dr Habibo Haji Jim'ale, civic leader in Mogadishu, 5 March 2008.

<sup>107</sup> CRD interview with Mohamed Abshir Waldo, Somali intellectual, Nairobi, January 2008

but it was unable to pursue a sanctions mechanism without a formal request from the IGAD states via the AU. The failure of IGAD states to request such a mechanism reinforced perceptions that their calls for sanctions were empty rhetoric. The culture of impunity for violations of the Cessation of Hostilities echoed wider concerns amongst the Somali public and international observers over war crimes allegedly committed by parties to the peace talks (and subsequently senior members of government) and the lack of a transitional justice component in the process. Disinterest by the mediators in these dimensions of the Somali conflict reinforced views that the process was directed towards forming a government that would further the containment policy on Somalia rather than reconciliation and good governance.

## **Public outreach and evolution of peace and conflict dynamics in Somalia**

The critical disjunction between the Mbagathi process and evolving dynamics in Somalia was attributable to over-reliance by the Technical Committee on the faction leaders; critical gaps in representation; and poor public outreach through Somali media. The daily TV broadcasts of the Arta talks had sustained a high level of public involvement but Kenyan business interests<sup>108</sup> blocked an early offer of satellite TV broadcasts at Eldoret and donors declined to support an attempt at televised broadcasts in Phase III. This was undoubtedly a missed opportunity to harness public pressure for compromise at a critical stage and public involvement prior to the entry of the TFG into Somalia. Somali media coverage lacked independent reliable sources and was dominated by negative reports, mostly the posturing of faction leaders threatening to quit if their agenda was not followed. There was frustration that the only statements by international figures related to funding, avoiding political comment for fear of appearing partisan<sup>109</sup>.

The EC supported public outreach through civil society focus groups to discuss developments at the peace talks and channel their views back to the process, but their weak influence failed to generate a groundswell of support (CRD Evaluation 2003, annex 8). Exceptions included the one day strike in Mogadishu in May 2003, urging faction leaders to compromise and save the talks from failure but overall, the views and the roles of civil society were overlooked, contributing to a lack of grassroots ownership and problems of implementation by the TFG. Civic actors were aware of key dynamics in the peace process but, having no confidence they could influence the outcome, re-directed their energies elsewhere. From 2003, civic mobilisation in Mogadishu in alliance with the business sector and sharia courts was improving local security in the capital. By the time the Islamist leader Hassan Dahir Aweys made his speech “Who will take responsibility?” in April 2004 (annex 10), the general public was sympathetic to exhortations to find alternatives to the faction leaders and was unenthusiastic at their re-appearance in the cabinet in early 2005. During the same period, jihadists returning from training abroad were mobilising networks in Somalia. The formation of a one-sided government backed by Ethiopia hardened divisions, contributing to the jihadist revival (Menkhaus 2008).

## **Security and Stabilisation**

Security issues were barely addressed in the Mbagathi process and as a result, the TFG emerged with international backing but in circumstances in which the international community had given no serious attention to a security and stabilisation strategy for Somalia. Subsequently direct military support to the TFG by the US and Ethiopia effectively locked multi-lateral engagement into the US-defined global “war on terror” framework. Western support for this approach not only ignored every historical lesson of successful counter-insurgency strategy but also violated the OECD-DAC guidelines developed by donors. Eventual acknowledgement of the devastating consequences, coupled with wider recognition of the failure of similar counter-insurgency strategies elsewhere (notably in Iraq) provided an opening for a shift in the western

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<sup>108</sup> Interview with EC donor, March 2009

<sup>109</sup> Interview with Somali observer, Nairobi, March 2009

approach. The Joint Security Agreement (November 2008) called on “all armed groups and communities to join both the process and the structures being established to develop peace”. It provided a minimum, coherent frame of reference for addressing short-term ceasefire, medium-term transitional security management, and longer-term ‘final status of forces’ elements of the complex Somali security environment in an appropriately sequenced and logical manner. It established a mechanism to plan and supervise the development of a ceasefire process and, for the first time, addressed the critical question of security governance during the transitional phase. This provided “supervisory” responsibilities over both the police and the “transitional security forces” to the Joint Security Committee, enabling issues such as the integration of security forces to be negotiated, planned and undertaken under joint security management.

Although the Transitional Federal Charter has little specific content on security issues, its main strategic thrust towards political decentralisation also suggests that a decentralised approach to security governance and the transitional security forces is required in the Somali context. Several Somali leaders, including the President (May 2009), have indicated their understanding of, and support for, the consensus-based transitional joint security approach and, despite the international community’s focus on a centralised security machinery for the transitional government, continue to argue, at least in the political realm, for a more inclusive and negotiated approach to security and stabilisation. However the risk is that the UN and international donors will attempt to by-pass the intermediate steps of transitional joint security management and instead provide direct and immediate support for a contested central state security strategy. This approach, which equates statebuilding with peacebuilding, is always likely to provoke resistance in the Somali context and is ultimately based on a strategy reliant on the use of force to re-establish the Somali state. One factor in this tendency appears to be lack of technical understanding of and expertise in the alternative negotiated approach with the result that security arrangements are treated as a less important technical matter rather than as a key strategic issue. The TFG/ ARS Agreement of 24 November 2008 provided the first serious frame of reference regarding security arrangements and negotiations in Somalia since the Mbagathi process began over six years ago and if its processes and mechanisms were to be seriously pursued by the Somali leadership with appropriate international support, it might enable the complex security challenges of Somalia to be finally tackled in a coherent, strategic and effective manner.

## **Major Findings and Lessons Learned**

The IGAD-led peace talks reinforce many of the findings of earlier internationally-sponsored efforts to work towards reconciliation in the Somali context:

- *Representation is a fundamental conundrum that requires concerted and exhaustive attention at the outset and may require adjustment as political-security dynamics evolve.*

The ‘4.5 formula’ for clan representation may be necessary but is certainly insufficient to guarantee broad representation of key stakeholder interests and political inclusiveness. Faction leaders with questionable claims to represent any constituency are unlikely to reach workable compromises in the absence of sanctions or pressure from genuine political figures and credible civic and business leaders. And, while prominent faction leaders may be a necessary component of a transitional government, they are unlikely to be sufficient for a functional administration but will rarely share responsibility with legitimate politicians and competent business or civic figures unless pressured to do so. Civil society has lacked sufficient internal organisation to claim to be representative of its constituencies (although progress is being made through the evolution of regional networks and platforms) and its role is undermined when the framework for representation is the ‘4.5 formula’. Omission of significant sectors of Somali society, such as the traditional and religious leaders, undermines grassroots buy-in while the full engagement of the business sector is critical for the ability of a nascent administration to establish itself.

- Decisions in the early stages are critical in shaping the reconciliation process and outcome.***

As was noted earlier in the Addis 1993 study, some of the most consequential decisions are reached in the preliminary phases of peace talks. The decision on a federal structure was taken at the outset of the two year process with minimal discussion and by a small group dominated by faction leaders. Their subsequent legitimisation as the Leaders Committee undermined the ability of credible political and civic figures to influence the talks towards the necessary compromises for a broad-based transitional government. In line with traditional Somali conflict resolution mechanisms, Somali negotiators appear acutely aware of the power of precedent and therefore devote more attention to early technical decisions in preliminaries than do foreign mediators.
- Externally-driven and –funded peace initiatives are liable to lack legitimacy and ownership***

Somali-led peace processes generate legitimacy and ownership through the costs borne by the communities supporting them and with a direct interest in their successful conclusion. Without these manifest commitments by communities to the reconciliation process, delegates owe little to their constituencies and communities can exert little pressure on their respective delegates for resolution - and have less investment in the outcome. Effective public outreach is needed to ensure the continued relevance of a reconciliation process held outside the territory. Without this, delegates may lose touch with local developments, new actors may emerge with demonstrated local legitimacy, and evolving political dynamics may be crucially underestimated.
- Resolution of core conflict issues requires dedicated attention, which is undermined by focusing on power sharing arrangements***

Succumbing to ‘quick-fix’ approaches that favour statebuilding at the expense of peacebuilding undercuts traditional conflict resolution systems and local governance initiatives, undermines grassroots ownership, and reinforces the general public’s anxieties about a return to an imposed and authoritarian government. Equally, a ‘victor’s peace’ is unrealistic in the Somali context where spoilers have ample opportunities to render a stalemate and the country ungovernable.
- Security and stabilisation require strategic focus from international mediators and cannot simply be addressed as technical additions to political agreements between the main parties***

Security and safety are critical concerns of Somali communities. Resistance to the notion of a state monopoly on the use of force and the centralisation of such military force by the state is widespread and based on Somali experience. Attempts to impose this model on any Somali peace process will generate opposition, if not active armed conflict. A consensus-based approach, allowing for joint command and joint security responsibility, appears to provide the only realistic transitional security management system for Somalia.
- Competing regional agendas have to be adequately addressed to enable sufficient space for reconciliation and the emergence of a broad-based transitional government***

The strategic geo-political significance of the Somali region generates attention from both the African states and the Arab world, and the regional body of the Horn, IGAD, is both divided and seen by many Somalis as heavily influenced by Ethiopia and Kenya. In the absence of an honest broker with political weight, the genuine political-security concerns of frontline states are liable to be acted out via proxies, hindering reconciliation amongst Somali actors. Serious and sustained political engagement by external parties to address the wider conflict dynamics of the Horn appears essential for the establishment of peace and governance in the Somali region.

- *The failure of regional and international actors to give due attention to issues of transitional justice perpetuates a culture of impunity and undermines efforts towards good governance.*

After two decades of impunity for crimes against humanity and the ‘recycling’ at different venues of many of the faction leaders responsible for them, peace accords between these leaders have little credibility with the general public, who recognise them as unsustainable without appropriate accountability mechanisms for monitoring violations and applying sanctions. Equally, a government comprising many of these same figures lacks legitimacy and its support by the regional and international community is seen as demonstrating a lack of seriousness of intent to establish good governance (as opposed to a government).

- *Emphasis on the transitional nature of the entity promotes legitimacy, furthers reconciliation, and helps restore public confidence in governance structures*

It is only through its efforts to fulfil specific tasks with which it has been mandated during the transitional period that the entity earns legitimacy. The tendency of both Somali leaders and external actors to prioritise efforts to take up the position of a legitimate government rather than focus on the transitional tasks it has been mandated to undertake, undermines the nature of the transitional period and principles of good governance, which are more (not less) critical in the post conflict environment.

- *Western governments’ ‘containment policy’ for Somalia militates against resolution of the Somali crisis and the evolution of effective governance structures*

Somalia’s low priority on the international agenda means it suffers the heavy consequences of a lack of coherence and accountability in western governments’ policies. In the absence of meaningful international engagement to address wider conflict dynamics and security concerns, the Somali conflict is aggravated by proxy wars. Western governments’ focus on security and ‘counter-terrorism’ agendas at the expense of principles of good governance or international law undermines credibility, loses ‘hearts and minds’, and is ultimately counter-productive. Furthermore, in the context of widespread poverty and unemployment, Somalia’s youth, who have never experienced an effective Somali government, are open to exploitation on the basis of national sentiment and/ or religious ideology, as well as to recruitment by criminal groups.

# Annexes

## Annex 1: Glossary of Somali Terms in Peace and War

1. Aafti: no man's land/ buffer zone
2. 'Aaqil: (see Caaqil below)
3. Aarsi: revenge/reprisal
4. Adable: black soil
5. Afjar: conclude/bring to an end
6. Afduub: taking hostage, kidnapping, abduction, taking prisoner 2. a terrorizing act against someone
7. Aqabal keen: acceptance of an idea
8. Ardaa: families/ clans share of blood compensation (mag)
9. Arrin keen: one who initiates an idea
10. Baad: ransom, extortion, to obtain property from another by intimidation 2. food (usually referring to fodder for livestock)
11. Baadisooc: buffer zone
12. Baanis (Baaniso): boastful/ rhetoric
13. Baaqabadeed: call for peace
14. Bariidin: morning greetings
15. Baraago dumin: destroying water reservoirs, demolishing water reservoirs
16. Barakac: displacement
17. Beel: clan/community
18. Beero gubid: setting on fire for farms, burning agricultural fields
19. Berked sumayn: poisoning water reservoirs, contaminating water reservoirs
20. Bililiqo: looting, plundering, robbery, prowling 2. raiding
21. Birmagaydo: preserved from harm "spared from the spear"
22. Boob: looting, prowling, raiding, pillaging
23. Boog: moral wound
24. Booga dhayid: healing the wounds, recovering
25. Caaqil ('Aaqil): chief
26. Caasikaay: rebel hide out
27. Cadaawad: hostility
28. Ceel-dumin: destroying water catchments or wells, pulling down water holes
29. Ciidan kala qaadis: pulling [fighting] forces apart
30. Ciribtir: genocide, ethnic cleansing
31. Col: enemy
32. Colaad: enmity
33. Colaad hurin: perpetuating conflict, upholding disputes, organizing hostility, encouraging warring sides to fight
34. Daaqsin: grazing land
35. Daacad: Honest
36. Dagaal: War
37. Dakharo: injuries
38. Damaanadqaad: guarantee, assurance, promise, pledge, certification
39. Dan: interest/ need
40. Dayday: extorters, freelance militiamen
41. Debecsanaan: flexibility

42. Debdemis: put off or reduce tension
43. Dedaal Nabadeed: peace initiative
44. Deegaan: environment/ settlement
45. Deganaan: stability
46. Dhac: robbery
47. Dhaymo: ointment
48. Dhexdhexaadin: mediating
49. Dhul-gubid: set areas on fire, destroy with fire, the act of burning a piece of land
50. Dhir-jarid: tree cutting, deforestation
51. Dib u dejin: resettlement, relocation 2. immigration, movement, journey
52. Dib u heshiisiin: reconciliation
53. Dil: kill
54. Diya: blood compensation (mag)
55. Diyo bixin: blood compensation, payment for a person's life
56. Dood: argument/debate
57. Dooy: sun soil
58. Duco: blessing
59. Dulqaadahso: tolerance/ patience
60. Dulxaadis: overview
61. Duudsi: dismiss/ forgive and forget
62. Ergo: delegation/ envoy
63. Ergo Nabadeed: peace delegates/ peace envoy
64. Fadhi: session
65. Faq: private discussion
66. Faraxumayn: the act of molesting, misconduct against someone
67. Furitaan: opening
68. Gaadiid: transport
69. Gaadmo: off guard, surprise attack, unexpected action against someone, quick raid against unaware person
70. Gablan iyo wiil la'aan: childless, having no baby, without sons
71. Gadood: strike, mutiny, revolt, to become furious
72. Gacansarrayn: having upper hand, being victorious, winning the battle/ game
73. Galad: favour
74. Gammaan: horses and donkeys
75. Ganaax: penalty, fine, sentence, consequence, punishment
76. Gar cadaawe: strict adjudication
77. Gar Sokeeye: flexible adjudication
78. Garsoorid: jury verdict, judiciary system, judgment of a case by a court or group of people
79. Gar: hearing/ verdict
80. Garaad: senior elder (similar to Ugaas or Suldaan)
81. Garawshiiyo: concession
82. Garnaqsi: defend; to justify or vindicate
83. Gardhigasho: bringing case to the mediators
84. Gar-diiddo: unwilling to accept any ruling
85. Garyigil: willing to accept any rules
86. Garqaadasho: acceptance of a verdict
87. Gawaari dhicid: car hijack, car seizure, car robbery
88. Gebogebo: wrap up/ conclusion
89. Gashi: grudge
90. Geed: traditional venue under a tree
91. Geed'yare': mini conference
92. Geel dhicid: camel looting, robbery of camels

93. Geesi: warrior
94. Gembis: dismissal
95. Go'aan: decision
96. Go'aan qaadasho: decision taking, determination, taking an action/measure
97. Gobanimo: freedom/ boldness
98. Godob reeb: exchange of women for strengthening peace
99. Godob: guilt
100. Godobtir: special price for women being jealous
101. Godobxir: to console the victim by giving something (bride, money, livestock)
102. Go'isu taag: raising a sheet as a white flag in surrender ("wave the flag")
103. Gogol: peace venue
104. Gole fadhiisin: make somebody sit before the traditional court or Geed
105. Gole: jury
106. Gorgorton: bargaining; negotiation
107. Guddi: committee
108. Guddida Qabanqaabada: preparatory committee
109. Gumaad: up-rooting, massacre, butchery, mass murder, mass destruction
110. Gunaanad: conclusion
111. Gurmad: cavalry/ reinforcement
112. Gurgurshe Qowrac: killing burden animal as a punishment or in war
113. Guurti: elders' meeting to address an issue, especially pertaining to governance or general well-being
114. Guuxay: appreciate
115. Habaar: curse
116. Haladayg: no concession/dare saying
117. Hanjabaad: threatening, intimidating, hostile/ frightening
118. Hantiboob: property looting, robbery, taking by force
119. Hanti celis: property restitution, restoration of property
120. Hayin, Biyo Ma daadshe: humble person/ obedient
121. Heshiis: agreement
122. Heshiis buuxa: agreement accepted by all sides, having the means to implement the peace deal in place
123. Heshiisiin: conciliation/ taking role of reconciliation
124. Hibasho, Hiirtaanyo: reminisce about bad event
125. Hiif: reprimand
126. Hub-dhigis: disarm
127. Hubka-dhig horta Adigu-dhig: disarm after the other disarms
128. Irmaan Qowrac: kill lactating animal as punishment or in a war
129. Is afagaranwaa: disagreement
130. Is afgarasho: understanding
131. Isbaaro: road block
132. Isasaamixid: forgiveness, trustfulness, cooperation
133. Isa soo horfariisin: direct talk, convene sides at roundtable for negotiation
134. Isgacan-qaadis: shaking hands with each other
135. Isgacansaarid: shaking hands with each other 2. fit for fighting
136. Is qancin: convince one another
137. Ishin: camels and cows
138. Is mariwaa: deadlock, impasse, stalemate, gridlock, standstill
139. Is nabad gelin: give peace to each other
140. Isu soo dhoweyn: to narrow differences, enable parties to resolve their problems, convince contesting sides into negotiation
141. Isu tanaasul: compromise; give and take



142. Jajuub: pressure
143. Jidgooyo: ambush, waylay, lie in wait 2. surprise attack
144. Jifo: family lineage
145. Jiri: extorters, freelance militiamen
146. Joogid: presence
147. Kala bogsi: forgiveness
148. Kala fogaansho: widening differences, complicating procedures to make peace
149. Kala Kac: standoff
150. Khaarajin: unlawful killing, organized murdering, assassination
151. Kicin dadweyne: public agitation/ campaigning
152. Kufsi: rape, a sexual attack
153. Kulan: meeting
154. Laabxaadhasho: try to make somebody forgive you
155. Labadubleyn: restrain one's hands
156. Maato-lays: innocent killings
157. Madal: venue, forum
158. Madaxfurasho: ransom, extortion
159. Majo-xaabin: back stabbing, setback, undermining, destabilizing
160. Mag: blood compensation
161. Magdhow: compensation, paying back the cost of damage done, refund for losses
162. Maqnaansho: absent
163. Maraado: punishment for individuals who will not abide by peace agreement
164. Mudo-Diyo: fixed time to pay blood compensation
165. Marti: guests
166. Martigelin: hosting
167. Milil: infection
168. Mooraduug: deprivation, dispossession, denial of properties
169. Mooryaan: extorters, freelance militiamen (same as Jiri, Dayday)
170. Muddeyn: give fixed time
171. Muddo: period
172. Murtiyen: rationalize/ summarise
173. Mushxarad: jubilee
174. Nabad raadis: peace searching
175. Nabad: peace
176. Nabadgelin: give peace
177. Nabadiid: peace rejecter/ anti-peace
178. Nabadoon: peacemaker/ peace seeker
179. Nabad sugid: securing peace
180. Nabadeyn: peace making
181. Odayaal: elders
182. Qaadhaan: material and/ or financial contribution
183. Qaan-sheegad: claim for compensation
184. Qaan: liability
185. Qabanqaabo: preparation
186. Qaybgal: participation
187. Qax: flee, run away, dislocation
188. Qolo: clan X
189. Qoonsad: sceptical
190. Qoordhiibasho: giving the mandate to the mediation committee
191. Qorituur: draw lots
192. Raas: sub-sub-clan
193. Rafiso: 20% advance of blood compensation given to the victim

194. Reer: clan
195. Samirsiin: help someone to accept the situation with patience, to be tolerant
196. Samotalis: somebody who works for the sake of goodness
197. Shafshafo: cures for wounded person
198. Shir weyne: conference
199. Shir: meeting
200. Shirguddoon: chairing committee
201. Shirqool: conspiracy, plot, machination, set-up
202. Soo hoyasho: giving in, surrendering, yielding, giving way
203. Sooryo: food for guests
204. Suldaan: higher in rank than chief ('aaqil)
205. Sulux: traditional mechanism of settling disputes, peace making, reconciliation, way of resolving a social dispute through mediation
206. Sumal & Sabeen: ram and lamb paid as apology
207. Tabasho: resentment
208. Tashi: consultation
209. Tol: clans binding together
210. Tolweyne: the greater clan
211. Toogasho: shooting, shelling, gunfire, assassination, murdering, execution
212. Turxaan bexin: trouble shooting/ problem solving
213. Tusaalayn: examples
214. Ugaas: senior elder rank (similar to suldaan)
215. Uurkutaalo: anxiety
216. U kala dab-qaadid: peace shuttling, mediation mission, or coordinating diplomatic message between two parties
217. Wabar: senior elder rank (similar to suldaan)
218. Wada hadal: dialogue
219. Wadatashi: consultation
220. Waran sib/ Waranjiifis: lay down weapons
221. Weerar: attack
222. Weer-xidhasho: trouble shooting
223. Xaal marin: redress for losses for wrong doings
224. Xaal: apology in kind
225. Xabad joojin: ceasefire
226. Xadgudub: transgression
227. Xalay-dhalay: forgive and forget, to cancel grievances (literally: to have given birth the previous evening – no newborn can hold or have caused grievances)
228. Xaq: rights/ entitlement
229. Xasuuq: genocide, mass execution, bloodbath, slaughter, annihilation
230. Xeerbeegti: jury
231. Xeer: customary law
232. Xeerhoosaad: by-laws (internal regulations)
233. Xidhitaan: closing
234. Xidid: in-laws
235. Xigaal: close relatives
236. Xoolo-kala-dhacid: property looting, robbery, taking by force
237. Xul: selected people
238. Xulasho: selection

## Annex 2: General Agreement Signed in Addis Ababa on 8 January 1993

We, the undersigned Somali political leaders, meeting at the United Nations Economic Commission for Africa in Addis Ababa, Ethiopia, from 4 January 1993 at the Informal Preparatory Meeting on National Reconciliation in Somalia, would like to thank the Secretary-General of the United Nations, H.E. Boutros Boutros-Ghali, who has facilitated this meeting in collaboration with the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Standing Committee of the Horn of Africa.

We also thank the Government and people of Ethiopia, and H.E. Meles Zenawi, President of the Transitional Government of Ethiopia, for hosting the Meeting and for his personal engagement in assisting our efforts to reach the following agreement.

We, the Somali participants, further express our deep appreciation for the concern of the international community for the humanitarian crisis in our country and recognize their wish for us to reach a peaceful solution to our country's severe problems.

After discussing our problems and considering all options, we have agreed on the following points:

1. The convening of a National Reconciliation Conference in Addis Ababa on 15 March 1993;
2. The declaration of an immediate and binding cease-fire in all parts of the country under the control of the concerned warring factions, subject to paragraph (a) below;
3. The immediate cessation of all hostile propaganda against each other and the creation of an atmosphere conducive to reconciliation and peace;
4. The United Nations Operation in Somalia (UNOSOM), in consultation with the relevant regional and subregional organizations, will be responsible for the logistical preparations of the National Reconciliation Conference;
5. The establishment of further mechanisms for the continuation of free dialogue amongst all political factions and leaders in Somalia in preparation for the National Reconciliation Conference;
6. To continue and enhance our full and unrestrained cooperation with all international organizations working inside and outside Somalia to distribute humanitarian relief to our people;
7. To commit ourselves, without reservation, to facilitating the free movement of Somali people throughout the entire country as a measure of confidence-building before the National Reconciliation Conference.

This agreement shall be valid upon completion and adoption by consensus on the following three points, and a separate communiqué will be issued before leaving Addis Ababa:

- a. The establishment of the modalities for implementing the cease-fire amongst all warring parties and the creation of a mechanism for disarmament;
- b. The agenda of the National Reconciliation Conference;
- c. The criteria for participation in the National Reconciliation Conference.

This agreement, signed in Addis Ababa on 8 January 1993, shall be considered binding on all the undersigned parties henceforth and all signatories shall be obliged to secure the support and implementation of this agreement amongst their movements and followers.

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|---|--|
| 1. Somali Africans Muki Organization (SAMO) Mr. Mohamed Ramadan Arbow, Chairman | Abdi Muse Mayow, Chairman  |
| 2. Somali Democratic Alliance (SDA) Mr. Mohamed Farah Abdullahi, Chairman       | 4. Col. Mohamed Nur Aliyou, Chairman (SNA)                               |
| 3. Somali Democratic Movement (SDM)   | 5. Somali National Democratic Union (SNDU) Mr. Ali Ismael Abdi, Chairman |
|   | 6. Somali National Front (SNF)   |

- |  |   |
|--|---|
| General Omar Hagi Mohamed Hersi, Chairman  | 12. United Somali Congress (USC) (sna)<br>General Mohamed Farah Aidid, Chairman |
| 7. Somali National Union (SNU)<br>Dr. Mohamed Ragis Mohamed, Chairman                  | 13. United Somali Congress (USC)<br>Mr. Mohamed Qanyare Afrah, Chairman         |
| 8. Somali Patriotic Movement (SPM)<br>General Aden Abdillahi Noor, Chairman            | 14. United Somali Front (USF)<br>Mr. Abdurahman Dualeh Ali, Chairman            |
| 9. Somali Patriotic Movement (SPM) (sna)<br>Col. Ahmed Omar Jess, Chairman             | 15. United Somali Party (USP)<br>Mohamed Abdi Hashi, Chairman                   |
| 10. Somali Salvation Democratic Front (SSDF)<br>General Mohamed Abshir Musse, Chairman |   |
| 11. Southern Somali National Movement (SSNM)<br>Col. Abdi Warsame Isaaq, Chairman      | 8 January 1993<br>Addis Ababa, Ethiopia, Africa Hall                            |

### **Agreement on the Establishment of an Ad hoc Committee, Signed in Addis Ababa, 15 January 1993**

We, the undersigned Somali political leaders, meeting in Addis Ababa, Ethiopia, on 15 January 1993, at the Informal Preparatory Meeting on National Reconciliation in Somalia;

Determined to continue our efforts to resolve all pending issues from the Informal Preparatory Meeting, in particular, the question of criteria for participation at and the agenda for the National Reconciliation Conference scheduled to begin on 15 March 1993;

Further determined to ensure the immediate implementation of all agreements reached during the Informal Preparatory Meeting;

1. Hereby decide to establish an Ad Hoc Committee to continue the discussion aimed at resolving the question of criteria for participation and the agenda for the National Reconciliation Conference, as well as any other issues pending from the Informal Preparatory Meeting;
2. The Ad Hoc Committee, whose sole purpose is to provide a mechanism for continuing the search for a solution to outstanding issues, shall work in consultation with all Somali political movements;
3. The Ad Hoc Committee shall hold its first meeting in Addis Ababa, Ethiopia, on 22 January 1993;
4. The Ad Hoc Committee shall submit its recommendations on the criteria for participation at the National Reconciliation Conference and on other outstanding issues to the meeting of the whole before 1 March 1993;
5. The following facilities, to be utilized solely for the purpose of carrying out the mandate set out in the present agreement, shall be placed at the disposal of the Ad Hoc Committee: an office in Mogadishu and Addis Ababa to facilitate consultations with the United Nations and the relevant regional and subregional organizations, as well as telecommunication and transportation facilities;
6. The Ad Hoc Committee shall be composed of seven members at any one time with two coming from the SNA and five from the other political movements. The SNA shall have the right to rotate its participants at every session of the Ad Hoc Committee if it so wishes;
7. Notwithstanding the pending status of the agenda and the issue of criteria for participation at the National Reconciliation Conference, the General Agreement signed in Addis Ababa on 8 January 1993 shall enter into force with immediate effect.

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| 1. Somali Africans Muki Organization (SAMO) Mr.<br>Mohamed Ramadan Arbow, Chairman | 3. Somali Democratic Movement (SDM)<br>Mr. Abdi Muse Mayow, Chairman |
| 2. Somali Democratic Alliance (SDA)<br>Mr. Mohamed Farah Abdullahi, Chairman       | Col. Mohamed Nur Aliyou, Chairman (SNA)                              |
|  | 4. Somali National Democratic Union (SNDU)                           |

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| Mr. Ali Ismael Abdi, Chairman               | 10. Southern Somali National Movement (SSNM) |
| 5. Somali National Front (SNT)              | (sna) Col. Abdi Warsame Isaaq, Chairman      |
| General Omar Hagi Mohamed Hersi, Chairman   | 11. United Somali Congress (USC) (sna)       |
| 6. Somali National Union (SNU)              | General Mohamed Farah Aidid, Chairman        |
| Dr. Mohamed Ragis Mohamed, Chairman         | 12. United Somali Congress (USC)             |
| 7. Somali Patriotic Movement (SPM)          | Mr. Mohamed Qanyare Afrah, Chairman          |
| General Aden Abdillahi Noor, Chairman       | 13. United Somali Front (USF)                |
| 8. Somali Patriotic Movement (SPM) (sna)    | Mr. Abdurahman Dualeh Ali, Chairman          |
| Col. Ahmed Omar Jess, Chairman              | 14. United Somali Party (USP)                |
| 9. Somali Salvation Democratic Front (SSDF) | Mr. Mohamed Abdi Hashi, Chairman             |
| General Mohamed Abshir Musse, Chairman      |  |

## **Agreement on Implementing the Ceasefire and on Modalities of Disarmament**

### **(Supplement to the General Agreement Signed in Addis Ababa on 8 January 1993)**

We, the undersigned Somali political leaders, meeting in Addis Ababa, Ethiopia, on 15 January 1993, at the Informal Preparatory Meeting on National Reconciliation in Somalia;

Having agreed on the need for a viable and verifiable cease-fire to promote the peace process in Somalia;

Recognizing that such cease-fire is intricately linked to questions of disarmament;

Further recognizing that disarmament cannot be accomplished in a single event but through a sustained process;

Hereby agree on the following:

#### **I. Disarmament**

- 1.1 All heavy weaponry under the control of political movements shall be handed over to a cease-fire monitoring group for safekeeping until such time as a legitimate Somali Government can take them over. This process shall commence immediately and be completed in March 1993.
- 1.2 The militias of all political movements shall be encamped in appropriate areas outside major towns where the encampment will not pose difficulties for peace. The encamped militias shall be disarmed following a process which will commence as soon as possible. This action shall be carried out simultaneously throughout Somalia. The international community will be requested to provide the encamped militias with upkeep.
- 1.3 The future status of the encamped militia shall be decided at the time of the final political settlement in Somalia. Meanwhile, the international community will be requested to assist in training them for civilian skills in preparation for possible demobilization.
- 1.4 All other armed elements, including bandits, shall be disarmed immediately and assisted through rehabilitation and integration into civil society.

#### **II. Cease-fire monitoring group**

- 2.1 A cease-fire monitoring group comprising UNITAF/United Nations troops shall be established immediately. There shall also be a committee composed of representatives of the warring factions to interlocate with the monitoring group and observe the implementation of the agreement by UNITAF/United Nations troops.

- III. All sides agree in principle that properties unlawfully taken during the fighting shall be returned to the lawful owners. This shall be implemented as and when the situation allows.

IV. All POWs shall be freed and handed over to the International Committee of the Red Cross and/or UNITAF. This process shall commence immediately and be completed by 1 March 1993.

The present agreement shall enter into effect on 15 January 1993

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| 1. Somali Africans Muki Organization (SAMO)<br>Mr. Mohamed Ramadan Arbaw, Chairman                              | Col. Ahmed Omar Jess, Chairman   |
| 2. Somali Democratic Alliance (SDA)<br>Mr. Mohamed Farah Abdullahi, Chairman                                    | 9. Somali Salvation Democratic Front (SSDF)<br>General Mohamed Abshir Musse, Chairman      |
| 3. Somali Democratic Movement (SDM)<br>Mr. Abdi Muse Mayow, Chairman<br>Col. Mohamed Nur Aliyou, Chairman (SNA) | 10. Southern Somali National Movement (SSNM)<br>(sna)<br>Col. Abdi Warsame Isaaq, Chairman |
| 4. Somali National Democratic Union (SNDU)<br>Mr. Ali Ismael Abdi, Chairman                                     | 11. United Somali Congress (USC) (sna)<br>General Mohamed Farah Aidid, Chairman            |
| 5. Somali National Front (SNF)<br>General Omar Hagi Mohamed Hersi, Chairman                                     | 12. United Somali Congress (USC)<br>Mr. Mohamed Qanyare Afrah, Chairman                    |
| 6. Somali National Union (SNU)<br>Dr. Mohamed Ragis Mohamed, Chairman   | 13. United Somali Front (USF)<br>Mr. Abdurahman Dualeh Ali, Chairman                       |
| 7. Somali Patriotic Movement (SPM)<br>General Aden Abdillahi Noor, Chairman                                     | 14. United Somali Party (USP)<br>Mr. Mohamed Abdi Hashi, Chairman                          |
| 8. Somali Patriotic Movement (SPM) (sna)  | January 1993, Addis Ababa  |

### **Addis Ababa Agreement concluded at the first session of the Conference on National Reconciliation in Somalia, 27 March 1993**

After long and costly years of civil war that ravaged our country, plunged it into famine, and caused acute suffering and loss of life among our people, there is the light hope at last: progress has been made towards the restoration of peace, security and reconciliation in Somalia.

We, the Somali political leaders recognize how vital it is that this process continue. It has our full commitment.

By our attendance at this historic Conference, we have resolved to put an end to armed conflict and to reconcile our differences through peaceful means. We pledge to consolidate and carry forward advances in peace, security and dialogue made since the beginning of this year. National reconciliation is now the most fervent wish of the Somali people.

We commit ourselves to continuing the peace process under the auspices of the United Nations and in cooperation with the regional organizations and the Standing Committee of the Horn as well as with our neighbors in the Horn of Africa.

After an era of pain, destruction and bloodshed that turned Somalis against Somalis, we have confronted our responsibility. We now pledge to work toward the rebirth of Somalia, to restore its dignity as a country and rightful place in the community of nations. At the close of the Holy Month of Ramadan, we believe this is the most precious gift we can give to our people.

The serenity and shade of a tree, which according to our Somali tradition is a place of reverence and rapprochement, has been replaced by the conference hall. Yet the promises made here are no less sacred or binding.

Therefore, we, the undersigned Somali political leaders, meeting at Africa Hall in Addis Ababa, Ethiopia between 15 and 27 March 1993, hereby reaffirm our commitment to the agreements signed during the Informal Preparatory Meeting on National Reconciliation in January 1993.

In concord to end hostilities and to build on the foundation of peace for reconstruction and rehabilitation in Somalia, we agree to proceed within the framework of the following provisions and decisions:

#### **I. Disarmament and security:**

1. Affirm that uprooting of banditry and crime is necessary for peace, stability, security, reconciliation, reconstruction and development in Somalia;
2. Further affirm that disarmament must and shall be comprehensive, impartial and transparent;
3. Commit ourselves to complete, and simultaneous disarmament throughout the entire country in accordance with the disarmament concept and timeframe set by the Cease-fire Agreement of January 1991, and request that UNITAF/UNOSOM assist these efforts so as to achieve a substantial completion of the disarmament within 90 days;
4. Further reiterate our commitment to the strict, effective and expeditious implementation of the Cease-fire Disarmament Agreement signed on 8 and 15 January 1993;
5. Reaffirm our commitment to comply with the requirements of the Cease-fire Agreement signed in January of 1993, including the total and complete handover of weapons to UNITAF/UNOSOM;
6. Urge UNITAF/UNOSOM to apply strong and effective sanctions against those responsible for any violation of the Cease-fire Agreement of January 1993;
7. Stress the need for the air, sea and land borders of Somalia to be closely guarded by UNITAF/UNOSOM in order to prevent any flow of arms into the country and to prevent violation of the territorial waters of Somalia;
8. Further stress the need for maximum cooperation by neighboring countries to assure that their common borders with Somalia are not used for the movement of weapons in Somalia, in keeping with the United Nations arms embargo against Somalia;
9. Agree on the need to establish an impartial National and Regional Somali Police Force in all regions of the country on an urgent basis through the reinstatement of the former Somali Police Force and recruitment and training of young Somalis from all regions, and request the assistance of the international community in this regard.

#### **II. Rehabilitation and reconstruction:**

- a. Affirm the need to accelerate the supply and operation of relief, reconstruction and rehabilitation programs in Somalia;
- b. Welcome the conclusion of the Third Coordination Meeting on Humanitarian Assistance to Somalia;
- c. Express our appreciation to donor countries for their continued humanitarian assistance to Somalia and, in particular, for the generous pledge, made at the Third Coordination Meeting, to mobilize \$142 million for relief and rehabilitation efforts in Somalia;
- d. Call upon UNOSOM, aid agencies and donor countries to immediately assist in the rehabilitation of essential public and social services, and of necessary infrastructure, on a priority basis by the end of June 1993;
- e. Assure the international community of the full desire of Somali leaders to establish with the assistance of UNOSOM, a secure environment for relief, reconstruction and rehabilitation operations and the protection of relief and rehabilitation workers and supplies;
- f. Condemn the acts of violence committed against relief workers and all forms of extortion regarding humanitarian operations;
- g. Urge the organizations within the UN system and NGOs to effectively utilize Somali human resources in the rehabilitation and reconstruction process in Somalia.

### **III. Restoration of property and settlement of disputes:**

1. Affirm that all disputes must henceforth be settled by dialogue, negotiations and other peaceful and legal means;
2. Further affirm that all private or public properties that were illegally confiscated, robbed, stolen, seized, embezzled or taken by other fraudulent means must be returned to their rightful owners;
3. Decide to deal with this matter within the framework specified in the report of the committee on the peaceful settlement of disputes.

### **IV. Transitional mechanisms:**

The Somali people believe that there is concurrence among the people of Somalia that Somalia must retain its rightful place in the community of nations and that they must express their political views and make the decisions that affect them. This is an essential component of the search for peace.

To achieve this, political and administrative structures in Somalia need to be rebuilt to provide the people as a whole with an opportunity to participate in shaping the future of the country.

In this context, the establishment of transitional mechanisms which prepare the country for a stable and democratic future is absolutely essential. During the transitional period, which will last for a period of two years effective from the date of signature to the agreement, the emphasis will be upon the provision of essential services, complete disarmament, restoration of peace and domestic tranquility and on the attainment of reconciliation of the Somali people. Emphasis will also be put on the rehabilitation and reconstruction of basic infrastructure and on the building of democratic institutions. All of this will prepare the country to enter a constitutional phase in which the institutions of democratic governance, rule of law, decentralization of power, protection of human rights and individual liberties, and the safeguarding of the integrity of the Somali Republic are all in place.

Therefore we have agreed to a broad outline of a framework for a transitional system of governance to allow for the provision of essential services, the creation of a basis for long-term planning, and for the resumption of greater administrative responsibility by Somalis. In general terms, this system will be composed of four basic administrative components that will be mandated to function during the transitional period.

Taking into account the reality of the situation in Somalia today and the need for stability, we hereby agree to the establishment of the following four basic transitional organs of authority:

#### *1. The Transitional National Council (TNC)*

The TNC will:

1. be the repository of Somali sovereignty;
2. be the prime political authority having legislative functions during the period in question;
3. interact, as appropriate, with the international community, including UNOSOM;
4. appoint various committees, including the Transitional Charter Drafting Committee, as required;
5. appoint Officers for its various functions;
6. appoint the heads of administrative departments;
7. oversee the performance of the departments created; and
8. establish an independent Judiciary.

The TNC shall be composed of:

1. three representatives from each of the 18 regions currently recognized, including one woman from each region;
2. five additional seats for Mogadishu;



3. one nominee from each of the political factions currently participating in the first session of the National Reconciliation Conference;

## *2. The Central Administrative Departments (CADs)*

The TNC will appoint the heads of the Central Administrative Departments, whose prime function will be to re-establish and operate the departments of civil administration, social affairs, economic affairs and humanitarian affairs, paving the way for the establishment and operation of a formal government. The CADs shall comprise skilled professionals having the ability to reinstate gradually, the administrative functions of national public administration. The performance of these departments will be overseen by the TNC.

## *3. Regional Council (RCs)*

Regional Councils shall be established in all the existing 18 regions of Somalia. At present 18 regions shall be maintained during the transitional period. The Regional Council shall be entrusted primarily with the task of implementing humanitarian, social and economic programs in coordination with the TNC and will also assist in the conducting of an internationally-supervised census. The Regional Councils will liaise with UNOSOM II, UN specialized agencies, NGOs and other relevant organizations directly and through the Central Administrative Departments and Transitional National Council. The Regional Councils shall also be responsible for law and order at the regional level. In this regard, the law enforcement institution will be a regional police force and a regional judiciary. The District Councils (see below) in each region shall send representatives who will constitute the Regional Councils.

## *4. District Councils*

District Councils shall be established in the present districts in every region. District council members shall be appointed through election or through consensus-based selection in accordance with Somali traditions. The District Councils shall be responsible for managing the affairs of the district including public safety, health, education and reconstruction.

## **V. Conclusions**

The Conference agreed on the appointment, by the TNC, of a Transitional Charter Drafting Committee referred to in section IV 1 (d) above. In drafting the Transitional Charter, the Committee shall be guided by the basic principles of the Universal Declaration of Human Rights and by Somali traditional ethics.

The Conference agreed that the TNC shall appoint a “Peace Delegation” composed of political movements and other social elements to travel to all parts of the country for the purpose of advancing the peace and reconciliation process as well as to explain the agreements reached in Addis Ababa.

We further agree that the TNC shall appoint a National Committee to bring about reconciliation and seek solutions to outstanding political problems with the SNM.

The Conference also calls upon the international community and in particular on neighboring states to facilitate the noble effort at reconciliation by providing moral and material support.

In conclusion, we the undersigned in agreeing to the above, resolve that never again will Somalia suffer the tragedy of the recent past. Emerging from the darkness of catastrophe and war, we Somalis herald the beginning of a new era of peace, healing and rebuilding, in which cooperation and trust will overcome hatred and suspicion. It is a message we must pass on to our children and our grandchildren, that the proud Somali family, as we knew it, can once again become whole.

We, the undersigned, hereby pledge to abandon the logic of force for the ethic of dialogue. We will pursue the process of national reconciliation with vigor and sincerity, in accordance with this declaration and with the cooperation of the people of Somalia as a whole.

Recognizing the tragic and painful recent history of problems in our country, we pledge to achieve comprehensive national reconciliation through peaceful means. We also pledge to adopt, in all parts of Somalia, transitional measures that will contribute to harmony and healing of wounds among all the people of Somalia.

We invite the Secretary-General of the United Nations and his Special Representative in Somalia, in accordance with the mandate entrusted to them by the Security Council, to extend all necessary assistance to the people of Somalia for the implementation of this agreement.

#### Signatories

1. SAMO	Mohamed R. Arbow	Chairman
2. SDA	Mohamed F. Abdullahi	Chairman
3. SDM	Addi Musse Mavow	Chairman
4. SDM (SNA)	Mohamed Nur Alio	Chairman
5. SNDU	Ali Ismail Abdi	Chairman
6. SNF	Gen. Omar Haji Mohamed	Chairman
7. SNU	Mohamed Rajis Mohamed	Chairman
8. SPM	Gen. Aden Abdulluhi Nur	Chairman
9. SPM (SNA)	Ahmed Hashi Mahmmud	V/Chairman
10. SSDF	Gen. Mohdammed	
	Abshir Mussa	Chairman
11. SSNM	Abdi Warsame Isaq	Chairman
12. USC (SWA)	Gen. Mohammed	
	Farah H Aidid	Chairman
13. USC	Mohammed Qanyare Afrah	Chairman
14. USF	Abdurahman Dualch Al	Chairman
15. USP	Mohamed Abdi Hashi	Chairman

### **Annex 3: Extract from Speech of Djibouti President to UN General Assembly 1999**

#### **Extract from the speech of the President of the Republic of Djibouti, Ismail Omar Guelle, at the 54th session of UN General Assembly on 22 September 1999**

.....On the Ethiopia/Eritrea Situation - Mr. President, last year in his address to the Assembly, my predecessor noted the sudden and surprising outbreak of massive hostility between our neighbors, Ethiopia and Eritrea. ....Rather than confining its conflict with Ethiopia, we're seeing a broadening of hostility, embracing practically all the countries in the Horn. ...

On Somalia - Mr. President, I would like to talk about Somalia and I ask your indulgence. ...Many countries and organization have worked relentlessly to restore some measure of governance in Somalia. However, the focus has always remained on ways to bring together the feuding warlords in order to assist them in reaching an agreement that would end the stalemate. However, seeking a lasting settlement through the warlords has abundantly and unambiguously been demonstrated throughout this conflict as wishful thinking. Uncertainty reigns and the culture of impunity continues. Lately, we've seen all sorts of political and military alliances across factional lines in a bid to pacify the country, but such initiatives have all been greeted with immediate skepticism and criticism by other factions and even by some countries. Clearly not a single factional leader can claim national support or acceptance, because the Somali civil society has grown cynical about the habitual political being that is devoid of sincerity, vision and substance. Now all agree that the warlords have nothing to show which engenders confidence that they will ever agree on a lasting peaceful settlement, much less the implementation of agreed upon conclusion. People are tired of false rhetoric and deception, have become poor and poor, and their future become bleaker every day. Even beyond Somalia, the warlords represent a potential danger. They need to be resisted for there is some very real problem of a contagion effect whereby chronic instability in one country in the Horn might prove to be a potent threat to its neighbors if it is not contained or eliminated within a reasonable period of time. Liberia's seven years of war with child soldiers and graphic atrocities against innocent civilians has helped to set a tragic pattern that has been repeated in Sierra Leone. Obviously, already inundated with weapons, Somalia hardly needs external involvement by way of arms or proxy confrontations. But that is precisely what is now taking place inside Somalia. For all of this, we're all worrying about Somalia's future. The challenge that we now collectively face, therefore, is establishing an authority to fill in the vacuum, which is continuously exploited by the warlords. The convening of more conferences will bring more of the same of the last ten years. If we continue to entertain the notion of holding yet more of the so-called National Reconciliation Conferences indefinitely into the next decade in search of Peace in Somalia, then we're in effect saying that the Somali civil society is condemned to an uncertain future, because the international community is not prepared to protect them. The warlords have never agreed and will never agree on anything. Appeasing the warlords has not worked and never will. The Somalis have human rights, too. They have every right to be protected from oppressive, reckless and power hungry individuals who continually freely move from one capital to another, raising funds and securing armaments. These individuals are responsible for the destruction of the country, for the deaths of tens of thousands of innocent civilians, countless number of casualties and for the paralysis that continues to this day. The international community did not intervene in Somalia, as one Western leader said to justify the Kosovo operation, to defend humanitarian principles and to stand up to the values of civilization and justice. UNOSOM operations in Somalia were also saddled with ambiguities in its mandate. ....

Since the advent of the Somali civil war about 10 years ago, the UN, the OAU, the League of Arab States, the OSS, and the sub-region organization, IGAD, including many countries, both within and outside the region have tried to salvage this nation from mayhem, anarchy and political paralysis, through all kinds of

conferences, dealing with and among the warlords. Sadly, however, the warlords have routinely demonstrated their unwillingness to heed the international communities' call to put the good of the country above their individual lust for power and control. We have to ask ourselves, as leaders of the world assembled here, what should we do about Somalia? The time has come in our view for the international community to take a decision to break the long silence on this forgotten conflict by supporting bold counter measures against the warlords. That is why after these reflections and after taking into account all relevant factors I was compelled to set out before you today a series of proposals and measures in phases that portray our outrage, frustration and impatience with the status quo perpetuated by the warlords.

I take this as Phase One, as I have extensively and with great pain described the dismal failure of the warlords to live up to anything during this long intractable civil war. I'm loath to support yet another conference held uniquely for the warlords who have lost the confidence of their people. It is time the Somali civil society, including intellectuals, artists and mothers, take the responsibility. The Somali people have matured politically during these years of suffering and know what it lacks economic prosperity, social progress, democratic governance, liberty and peace. In line with the wishes of the Somali people, ...

Phase Two. If, however, these reasonable proposals and measures are spurned by the warlords, then the international community will have to demonstrate vigorously that it can not let the persecution of the Somali civil society continue unaddressed indefinitely. Accordingly, the warlords must be charged for crimes against humanity, for the abuse of power, including in aiding and abetting wanton persecution of civilians, the breaches of violations of human rights, causing state collapse and destruction of the country, to endless violence and unpredictable behavior. The warlords have robbed Somalia's children of their youth and sentenced the Somali people to a precarious existence. Furthermore, stringent sanctions must be imposed on the warlords not agreeing to the demand of the international community to restore peace and the framework of government to Somalia. They must be confined to their bleak and embattled areas and banned from freedom of movement. Any and all foreign support or assistance of money and materials must be banned; all their assets in all forms and wherever they maybe located must be frozen.

Phase Three. If the measures outlined in the earlier phases fail to accomplish the objective sought, due to obvious obstructions from the warlords, we would be confronted with two difficult choices. We could continue to remain indifferent and do nothing in the decade-old siege of Somalia - or regional organizations to which Somalia belongs, principally the OAU and League of Arab States with the support of the UN and other countries, could decide that it was up to them to redress the situation using all necessary means, given the principle that no state, or criminal warlords for that matter, would be allowed indefinitely to commit gross human rights violations and hold the country hostage for ever. These are the critical scenarios that we need to talk about, because however much one wishes to forget Somalia, it will not simply go away. We must do something about it. And we must do that sooner, rather than later.

In conclusion, I wish to reiterate that we must stop our complacency with the warlords and that any future processes should be more closely tied to the Somali civil society.

## **Annex 4: Declaration of 7<sup>th</sup> IGAD Summit November 1999**

### **Declaration of 7th IGAD Summit of Heads of States and Governments, 26 November 1999**

The Heads of State and Government of the Inter-Government Authority on Development met in Djibouti on November 26, 1999 under the Chairmanship of H.E. Mr. Ismaël Omar Guelleh, President of the Republic of Djibouti, and having carried out extensive discussions on a number of issues - economic, political and others, including issues pertaining to the further enhancement of the effectiveness of the Organisation - agreed on: .....

#### **3.2. On the Crisis in Somalia**

The Heads of State and Government expressed their full support to the initiative taken recently by H.E. President Ismail Omar Guelleh on the crisis in Somalia. They agreed that the proposal made by Djibouti is fully in conformity with the general approach approved by the Authority in March 1998 in Djibouti and builds upon that decision and injects greater clarity into what needs to be done by IGAD and our partners to remove the obstacles to national reconciliation in Somalia. Encouraged by the work of the Standing Committee on Somalia, the Heads of State and Government called on the international community as a whole to co-operate more effectively with IGAD with the view to enhancing the role of Civil Society in Somalia for making a difference for peace in that country and for national reconciliation.

The Heads of State and Government reiterated once again that there is no alternative for peace in Somalia to pushing forward with the building block and the bottom-up approach in which the role of warlords is contained and that of Civil Society is enhanced. They agreed that peace in Somalia and the welfare of its people cannot be allowed to continue to be held hostage to the narrow and personal interests of those who have failed to save Somalia from continuing calamity. They called for an end to the political tourism carried out by Somali warlords and underlined the need for countries not to co-operate with those in Somalia that hinder the peace process.

The Heads of State and Government reiterated that those in Somalia who have so far sought to promote peace in their respective regions by encouraging the participation of Civil Society such as “Somaliland” later “Puntland” and more recently the region of Bay and Bakool and others, need the encouragement of the countries of the Sub-region and of the international community in general. They stressed the need for the international community to be forthcoming in providing assistance to make the peace dividend approach viable and to promote reconstruction effort underway in the various parts of the country. In this regard they called for the early realization of the UN Trust Fund for Somalia.

The Heads of State and Government, expressing appreciation to H.E. President Ismail Omar Guelleh for the initiative that he has already taken, encouraged Djibouti to pursue the initiative with greater vigour to ensure success. In this connection, they agreed on the speedy working out of the detailed implementation mechanism of the new initiative in co-operation with other members of IGAD and with all those who wish to contribute to national reconciliation in Somalia.

The Heads of State and Government emphasized that the situation in Somalia has not only continued to be a nightmare to its own people but has also grown by the day to be a source of serious concern to the countries of the region. Somalia, they agreed, cannot be allowed to be a haven for all sorts of criminals and terrorist groups who have the intention of making the whole region lawless and outside the rule of law. While appealing to the international community not to disregard the implications of this potential danger, they condemned all those third parties who have chosen to exacerbate the crisis in Somalia, to push Somalia further into the abyss and to create chaos in the Sub-region through their co-operation with terrorist groups.

## Annex 5: Puntland Position on National Reconciliation in Somalia September 2000



DAWLADDA PUNTLAND EE SOOMAALIYA  
XAFIISKA MADAXWEYNAHA

PUNTLAND STATE OF SOMALIA  
OFFICE OF THE PRESIDENT

MW/DPS/PLPP-9/2000

### **PUNTLAND POSITION ON PEACE AND NATIONAL RECONCILIATION IN SOMALIA Update 1**

29 September 2000

#### **INTRODUCTION**

Puntland State of Somalia (PSS) has always played a leading role in the Somali National Reconciliation Process and in all efforts to re-establish a National Government that restores unity, integrity and respect to the Somali nation. The people of Puntland made great deal of sacrifice for nearly 8 years of waiting for a national resolution before they had to come to terms with post-Siad Barre and civil war political realities that required massive confidence-building and thorough review of the system of government in Somalia.

In spite of its strong commitment to national reconciliation, Puntland State has not taken part in the Djibouti sponsored "Somali peace and reconciliation process" as it disagreed with the Djibouti Government on all the approach, principles, participation, agenda and procedure of the whole process. Similarly, many Somali regions, political organizations and leaders declined to participate the "Arta Conference" mainly for the same reasons.

Specifically, agreements were reached in writing with President Guelleh himself and his Foreign Minister on the terms and conditions Puntland would partake in the Djibouti Process. This followed the arrival of a Djibouti delegation in Garowe in May, 2000. It was on the basis of these agreements that Puntland sent a delegation consisting of 21 senior Elders and a government delegation led by the Puntland State vice-president. The agreed single objective of the Puntland delegation was CONSULTATION on timing of the proposed conference and modalities of selecting conference delegates from the regions and districts. Djibouti changed course, decided to select delegates in Djibouti and broke the agreement with Puntland. The Puntland delegation of Elders and government returned deeply offended and disappointed. The differences between the sponsoring Djibouti government and Puntland State Government proved irreconcilable.

We hasten to state clearly that Puntland State has no personal complaint against the brotherly people and the nation of Djibouti. Any differences, criticisms and complaints refer only to the partiality, mismanagement and fraudulent outcome of the "Arta Process" stage managed by the present Djibouti Government.

#### **FACTS ABOUT PUNTLAND STATE OF SOMALIA**

Puntland is stable, peaceful, self-governing regional State with a well functioning public administration firmly in place. It consists of 5 of the 18 Somalia regions and contains over one-third of the land surface and one-fourth of the population of the Republic of Somalia. The 2-year Old State has democratic constitution, elected State President, Legislative Council and independent Judiciary. Within its limited resources, it undertakes to promote justice, good governance, and to protect human rights and the environment in Puntland.

PSS was the outcome of 8 painful years of quiet deliberations on the failures of all efforts on national reconciliation and the need for local political and administrative structures in Puntland. A series of Consultative and Constitutional Conferences attended by 600 representatives of these 5 regions of Puntland took place over a period of 12 months from October 1997 to August 1998. These representatives from all sectors of Puntland society came together and jointly established, on their free will, the Puntland State of Somalia on 1st August 1998.

PSS is an integral part of the Somali Republic and strongly stands for the preservation of the unity, integrity and sovereignty of Somalia. It urges and appeals to the national and international communities to respect and uphold these fundamental principles. Our regional State has been ready to be one of the first pillars of a National Federal government, which should be all-inclusive, equitable and democratic that is untainted by involvement and influence of former dictatorial regime or by religious extremists.

In Puntland we have succeeded in establishing the basic government institutions, and enacted laws that guarantee the basic human rights and protect the environment. We have succeeded in banning the burning of wood for charcoal production for export, which was widely practiced before my government came to office. We have also banned the export of wild life from areas in my government's jurisdiction. We have removed from Puntland Territorial Waters an estimated 3000 foreign vessels that illegally fished in our waters, or engaged in illegal activities like toxic waste dumping. In the 2 years my government has been in office, we have created a civil service and law enforcement force of nearly seven thousand (7,000) men and women that oversee the smooth functioning of our institutions. We have scheduled an election in mid 2001 when the term of 3-year interim period will end.

### **THE TRUTH ABOUT THE DJIBOUTI/ ARTA PROCESS**

The Djibouti/Arta Process sponsoring government of Djibouti, organizers of the event and the Office of the UN Secretary General, which was acting as advisor to President Guelleh on the process, made frequent claims that participants were from the civil society; that clan elders from all regions of Somalia supported the proceedings, that the process was democratic, that both "parliament and President" were chosen legally and that the Arta outcome was legitimate. The truth is vastly different:

1. The "Arta Conference" participants were not elected by the civil society and administrations in the districts and regions of the country - a pledge first made by the sponsoring Djibouti President but later disregarded. Therefore, they were not legitimate representatives of the Somali people.
2. Clan elders were invited before the actual conference started and they were specifically to advise President Guelleh on (a) the timing of the start of the conference and (b) methods of selection of participants from the districts and regions. The majority of elders advised to delay the opening of the conference to allow sufficient time for delegate distribution and their election by their respective constituencies in the regions. Djibouti government refused to consider these proposals of the elders.
3. The election of the so-called "Parliament" and "President" in Djibouti can neither be democratic nor legal when the participants of the "Arta Conference" are not democratically or legally elected from their respective constituencies. In fact, many of the "participants", especially those supposedly from Puntland, rejected the "Arta Charter" which they said ignored the agreed principle of agreement by consensus.
4. The people who gathered in Djibouti for the "Conference", mostly consisting of religious fundamentalists and remnants of the butchers of the discredited Siyad Barre regime and who are directly responsible for the Somali tragedy itself, were largely self-appointed, hand-picked by Djibouti and without any official mandate by the Somali communities who were not given the chance to choose them. Such impostors were the participants of the "Arta Peace and Reconciliation Conference".
5. To further complicate the subject, the Djibouti government rejected all advice from Puntland, Somaliland and other political and traditional leaders and from the international community on ways and means to make the process more practical, democratic and equitable. It is a common knowledge that the Djibouti government excluded important Somali, regional and international actors from the process for reasons only known to itself.
6. The "Arta Peace and Reconciliation Process" was, thus, undemocratic, unrepresentative and illegal. It was neither transparent nor all-inclusive and its outcome is unacceptable.

### **BARRIERS TO NATIONAL RECONCILIATION**

Puntland State government maintains that the main obstacles to national reconciliation agreement and its effective implementation has been largely due to fear and distrust among the Somali communities as the bared nerves of the brutal civil war are still raw and festering. This deep-rooted fear and distrust needs to

be overcome first. Indeed, the UN Secretary General, in his August 16, 1999 Report to the Security Council, pointed out that the present Somali conflict was not over religious and ethnic divide or dispute over natural resources. "Rather ...it is divided on clan lines with each clan fearful of the incursions of others" he wrote. The UN Secretary General continued that "the crucial missing ingredient is trust. Without trust, there can be no peace or security in Somalia and no central government can be re-established".

These sensitivities, the discrediting failures of the past, public distrust of endless political processes that embrace the participation of criminals, extremists, warlordism, clanism and unqualified and illegitimate participants must take into consideration in any new pragmatic approach for national peace and reconciliation process. We believe that the most feasible proposition to finding a lasting solution is, thus, through the "building blocks" approach from "bottom-up" process leading to a highly decentralized system of government in Somalia.

The Djibouti government ignored this vital approach. It rather embarked on a series of contradictory and conflicting actions: while Somalis and foreign observers agree that clanism, which should be de-institutionalized, is a divisive curse to be shunned, Djibouti insists it is a uniting cure for the Somalis and helped spread its infection even farther. As the vast majority of Somalis agree to adopt a Federal system of government for trust-building and regional development, Djibouti opted for a highly "centralized system of government through top-down process". It also denies the existence and status of the established self-governing regional States of Puntland and Somaliland which they and the "Arta Group" want dismantled and destabilized rather than at least considering them to be the foundation of a decentralized national state.

Another weird anomaly is the over-optimistic confidence that Djibouti government reposes in leaders who have abjectly failed to promote local conflict resolution and build local administrations in their own constituencies for the past 10 years. Can such personalities be expected to resolve more complex and intractable national strife?

The PSS government is deeply concerned of what the unholy alliance of fundamentalists, Siad Barre renegades, and warlords and society misfits at Arta portend for Somalia. This new Djibouti/Arta Group is aggressive. Both its pronouncements and its actions on the ground are cause for anxiety. The attacks and provocative statements of the "Arta Group" leader, Abdiqassim Salaad Boy, made in Mogadishu and Cairo, among others, that he did "not recognize Puntland or Somaliland or any 'land' ...with a new colonialism behind them that aims to break Somalia into mini states" are clear indication of the aggressive intentions of the new "Arta Group". Such statements and the fact that a large one-clan militia force being formed in Mogadishu are realities that risk to plunge Somalia into renewed civil war. Fightings causing nearly 100 deaths in the Benadir region and Mogadishu since the Arta outcome are alleged to be direct result of the Arta outcome itself.

## **CONCLUSIONS AND RECOMMENDATIONS**

International mediation efforts at Somali national reconciliation failed 12 times in the past. The 13th attempt at Djibouti/Arta is also destined to fail, as it is presently constituted. Many less publicized and less costly local regional endeavours over the years have produced more successful results in peace-making among many communities and in the establishment of regional administrations. We believe that there are very few people, if at all, who have the will, trust and commitment to organize or fund a 14th National Reconciliation Conference. A more realistic and creative approach is required. A new process must be fully Somali owned and address the real and priority concerns of the Somali people. It should be well planned and based on certain fundamental principles.

The right approach, in our view, is to start institution-building from the grass roots' level where the local and regional administrations could more realistically cope with the vital and complex questions of peace, stability, self-reliance and development.



In the light of the past discouraging experiences, in view of the sensitivities and the need for greater confidence building discussed above, the Puntland State government proposes a new initiative with different approach and composed of 4-phases:

#### **PHASE-1:**

A local peace-making and conflict resolution process would be undertaken by Somalis with contributions of logistical assistance by the international organizations working in Somalia as they have some form of presence in most regions of the country. The local process would target areas and regions in crisis to resolve clan conflicts, religious extremist threats and forceful and illegal occupation of other communities' territories. During this phase, a political, legal and traditional Action Plan would be put in place for the unconditional return of illegally seized, looted or occupied public and private property and assets to their rightful owners. Joint Somali and international community sanctions would be taken against aggressors, detractors and violators obstructing these activities.

#### **PHASE-2:**

To support the completion of the continuing process of Building Blocks and the establishment of regional self-governing States, which is in line with the principle of decentralization and inter-community trust-building. It would also lay a solid foundation for a Federal System of Government in Somalia on which system the majority of Somalis agree. This process could, in part, develop in parallel with PHASE-1. The relatively simple, effective, unique, legitimate and unionist process that Puntland went through in establishing its State serves as a practical example.

#### **PHASE-3:**

On the realization of PHASES 1 and 2, the elected legitimate leaders of all the regional self-governing States would meet in a National Conference to discuss modalities of forming a National Federal Government at the earliest convenient time, possibly within a period of 6 to 12 months.

#### **PHASE-4:**

During the transitional 6 to 12 month period, the leaders of the self-governing States of the day and one interim representative from other zones, chosen on certain creditable criteria, would form a National Care-taker Council to act as the custodians of national unity and sovereignty and for the coordination of regional and national policies as well as to represent Somalia at international forums. As new zonal States are established, their leaders would automatically join the Council replacing the interim representatives of their respective zones.

The Puntland State Government would be ready to elaborate all these ideas and submit more detailed proposals on necessary mechanisms to organize and implement these processes. It is our considered opinion that this proposition for a durable solution to the Somali national crisis in consistent and gradual steps deserves serious consideration.

We have learnt a bitter, unforgettable and useful lesson from the experience of our barbarous civil war: to concentrate our energies and resources on the creation and maintenance of efficient local institutions rather than blind dependence on a centralized state and government.

It should, perhaps, be added that, under the prevailing difficult political and security conditions in the country, the most the "Arta Group" could contribute is to reign/control their untenable national ambitions and, instead, limit themselves in assisting community and political leaders in the Benadir region with conflict resolution and regional institution building. Surely, personalities who failed to make peace and reconciliation in their own constituencies cannot be expected to the more complex and intractable national strife.

Abdullahi Yusuf Ahmed

Puntland State President, Garowe, Puntland State of Somalia

See also Press Release [http://warsidaha.puntland.8k.com/PL/release/dj\\_final\\_17jun.doc](http://warsidaha.puntland.8k.com/PL/release/dj_final_17jun.doc)

## **Annex 6: El-Berde Declaration January 2001**

### **Creation of National Restoration Council (NRC) January 24, 2001**

**I. The El-Berde Meeting** of four Somali political organizations and Puntland State of Somalia has decided to establish the National Restoration Council (NRC). The NRC, which is currently composed of RRA, SPM, SNF, SSNM/BIREM and the State of Puntland, shall strive through dialogue to achieve an all-encompassing and representative national institution that brings together all Somali entities and political movements.

#### **II. The objectives of the NRC are:**

1. To restore trust and mutual confidence among Somali communities throughout Somalia.
2. To initiate afresh the peace and reconciliation process on a realistic, representative and genuine basis.
3. To restore and safeguard national unity and the territorial integrity of Somalia.
4. To act as custodian of national sovereignty and to represent Somalia in international forum.
5. To promote the Building-blocks approach for the establishment of self-governing regional states and to re-affirm the principle of federal system of government in Somalia.
6. To confront all destabilization and renewed conflicts waged by the un-holy alliance of the Arta faction and extremist groups.

**III. The NRC** will convene a general conference in Baidoa within forty-five days and invites all political movements to participate in the conference. The conference is to tackle the implementation of the objectives outlined in paragraph II above.

**IV.** The Meeting appeals to the international community, particularly the UN Secretary-General and Arab states to refrain from extending diplomatic recognition and financial assistance to the unrepresentative Arta Faction as such support would lead to renewed conflicts in the country.

#### **SIGNATURES:**

- |                               |                           |
|-------------------------------|---------------------------|
| 1. Abdullahi Yusuf Ahmed      | Puntland State of Somalia |
| 2. Sheikh Aden Mohamed Nur    | RRA                       |
| 3. Omar Haji Mohamed (Masale) | SNF                       |
| 4. Abdirizak Issak Bihi       | SNF                       |
| 5. Mohamud Sayed Aden         | SNF                       |
| 6. Aden Abdullahi Nur         | SPM                       |
| 7. Abdullahi Sheikh Ismail    | SSNM/ BIREM               |

## Annex 7: Eldoret Declaration, December 2002



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### Somalia National Reconciliation Process Eldoret, Kenya

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#### Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process

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**WE**, the undersigned,

**GUIDED** by the common desire of the people of Somalia for peace;

**AWARE of the prevailing poverty of the Somali people and their humanitarian needs;**

**DESIRING** to bring an end to the continuing conflict in Somalia;

**COMMITTED** to the improvement of regional security for all Somalis and the regional states;

**WELCOMING** the commitment of the international community to respect the sovereignty, territorial integrity, political independence and unity of Somalia;

**APPRECIATING** the leading role of the IGAD Frontline States (Djibouti, Ethiopia and Kenya) in this process;

**APPRECIATING** further the efforts of the international community in promoting national reconciliation in Somalia;

**ACKNOWLEDGING** that the Somali authorities have the primary responsibility for ensuring the well being of civilians in Somalia;

**HEREBY SOLEMNLY UNDERTAKE** the following commitments:

#### Article 1 Federalism

- 1) To create federal governance structures for Somalia, embodied in a Charter or Constitution, which are inclusive, representative, and acceptable to all the parties
- 2) To endorse the principle of decentralization as an integral part of Somalia's governance structures
- 3) To ensure the rights, representation and protection of all Somali individuals and groups

#### Article 2 Cessation of Hostilities

- 1) To abstain from the conduct of hostilities in Somalia from 27 October 2002 and to maintain this state of affairs during the peace process, its implementation and subsequently
- 2) To use only peaceful means in the resolution of all disputes between political, military and other groups and the communities they represent
- 3) To ensure that all political, military and other groups maintain only defensive military positions and capabilities, and refrain from any military provocations
- 4) To implement fully the United Nations Arms Embargo for Somalia (UN Security Council Resolution 733 of 1992)
- 5) To invite the international community to undertake field-based and remote monitoring of the arms embargo, and to guarantee their representatives unimpeded and safe access

#### Article 3 Enhanced Safe Access for Aid

- 1) To respect the rights of the people of Somalia to receive humanitarian assistance
- 2) To guarantee the security of all humanitarian and development personnel and installations, including

those of the United Nations Agencies, non-governmental organizations, ICRC and donor governments and organizations

- 3) To ensure that the safe access to aid for all the people of Somalia is enhanced

#### **Article 4 Endorsement of Outcomes of the Peace Process**

- 1) To undertake political negotiations and technical discussions in good faith and in a spirit of cooperation during each phase of the Somalia National Reconciliation Process
- 2) To abide by the conclusions resulting from the Somalia National Reconciliation Process
- 3) To implement all the resolutions of the Process in good faith and in a timely way

#### **Article 5 Combating Terrorism**

- 1) To combat all forms of terrorism, and to cooperate with the international community in the fight against terrorism pursuant to UN Security Council Resolution 1373 of 2002
- 2) To prevent the use of Somali territory as a base for any terrorist activities

#### **Article 6 Monitoring of the Declaration**

- 1) To invite IGAD, the African Union and the international community to support and monitor the implementation of this declaration and all further agreements reached
- 2) To support the establishment of enforcement mechanisms for the safe delivery of humanitarian aid and implementation of this declaration and all further agreements reached in the interest of the people of Somalia.

**DONE** at Eldoret, Kenya, on Sunday, 27 October 2002

Signed by:

\_\_\_\_\_  
Hassan Abshir  
Prime Minister of Transitional National  
Government

\_\_\_\_\_  
Abdalla Derow Isak  
Speaker of the Transitional National Assembly

\_\_\_\_\_  
Col. Hassan Mohamed Nur 'Shatigudud',  
Chairman of RRA

\_\_\_\_\_  
Col. Hassan Abdulla Qalad  
Chairman of HPA

\_\_\_\_\_  
Musa Sudi Yalahow  
Chairman of USC/SSA/SRRC

\_\_\_\_\_  
Osman Hassan Ali 'Atto'  
Chairman of USC/SNA/SRRC Nakuru

\_\_\_\_\_  
Col. Abdirizak Isak Bihi  
Chairman of SNF

\_\_\_\_\_  
Abdullahi Yusuf  
President of Puntland State of Somalia

\_\_\_\_\_  
Hussein Farah Aideed  
Co-Chairman of Somalia Reconciliation  
and Restoration Council (SRRC)

\_\_\_\_\_  
Mohamed Qanyare Afrah  
Chairman of USC

\_\_\_\_\_  
Mowlid Ma'ane Mohamoud  
Chairman, SAMO/SRRC Nakuru

\_\_\_\_\_  
Omar Mohamoud Mohamed  
'Finish', Chairman of USC/SSA

\_\_\_\_\_  
Mohamed Sayyid Aden  
Chairman of SNF/SRRC

\_\_\_\_\_  
Gen. Mohamed Siad Hersi Morgan,  
Deputy SPM Chairman

Bare Aden Shire  
Chairman of JVA

Abdullahi Sheikh Ismail  
Chairman of SSNM/BIREM

Abdulaziz Sheikh Yousuf  
Chairman of SSNM/SNA

Mohamed Aden Wayel  
Chairman SPM/Nakuru

Mohamed Omar Habeeb 'Dhere'  
Chairman of Jowhar Administration

Hilowle Imam Omar  
Co-Chairman of SRRC

Gen. Aden Abdullahi Nur 'Gabiyow',  
Chairman of SPM

Dr. Sharif Salah Mohamed Ali  
On Behalf of Civil Society

**WITNESSED** by: \_\_\_\_\_

H.E. Hon. Elijah W. Mwangale,  
H.E. President Daniel arap Moi's Special Envoy  
for Somalia and Chairman of the IGAD Technical Committee

Dr. Atalla Al-Bashir  
Executive Secretary of IGAD

H.E. Amb. Ismail Goulal Boudine  
Ambassador of the Republic of Djibouti  
to Somalia

H.E. Amb. Abdulaziz Ahmed  
Special Envoy of the Federal  
Democratic Republic of Ethiopia for  
Somalia

**IN THE PRESENCE** of:

Amb. Carlo Ungaro  
Special Envoy of Italy (Chair of IGAD Partners  
Forum for Somalia)

Amb. Mohammed Salim Al Khussaibi  
Special Envoy of the League of Arab  
States

Amb. Mostafa Khedre  
Deputy Assistant Minister for Foreign Affairs of  
the Arab Republic of Egypt

Mr. Glenn Warren  
Embassy of the United States in Kenya

Dr. Walid Musa  
European Union and European Commission  
Delegation in Kenya

Amb. Winston Tubman  
UN Representative of the Secretary  
General for Somalia

## **Annex 8: Evaluation of EC-supported public outreach during the IGAD-led peace talks**

### *Summary Report (draft)*

#### *Center for Research and Dialogue*

#### *Evaluation of EC Civil Society & Media Support*

#### *During the IGAD Somali National Reconciliation Process*

*July 19, 2003, Mogadishu, Somalia*

#### **Overview of work:**

This report should not be taken as a final document because interviews are still being conducted with some target groups like the local FM radio stations, additional focus group discussions in Mogadishu, and phone interviews in Kismayo. We are also expecting responses from our resource people in Gedo and Belet Wein. However, it should give an impression or may be an idea of how the final report might look like. For this report, the research locations are Mogadishu and Baidoa. In Mogadishu, one focus group discussion of 10 persons was held at CRD's office and 20 individual interviews were conducted with 'people on the street'. This latter group was randomly approached in Bakara Market, private offices and educational institutions. Five individuals in Baidoa were interviewed through the phone.

#### **Key findings:**

- All people interviewed are aware of the IGAD Somali Reconciliation Process.
- All people interviewed get the information about SNRP from the local FM radios. The key radio stations are HornAfrik, Shabelle, Benadir and STN. Of these, HornAfrik is the most popular.
- Although many radio stations read the IRIN written reports on the air, none of the stations regularly mention IRIN and give credit to their source of information.
- Of course, in addition to the local FM stations, many people stated that BBC is also another source.
- More than 50% of the respondents believe that the most reliable information is that provided by correspondents live on the radios.
- Many people state that another best source of reliable information that the radios give is direct interviews with people at the SNRP.
- About 30 % of the interviewees responded that BBC is the most dependable source of information about SNRP.
- Only 2 of 35 people interviewed knew about IRIN updates. One was a local paper reporter and another was a private consultant.
- None of the interviewees participated in the focus group discussions organized by the civil society.
- Focus group discussions is something known only to those directly involved. That is INXA, COGWO, higher education and professional institutions. Nobody of the 35 people who was interviewed had ever heard or participated in the Focus group meetings. This is true even if the people interviewed were from many different types of life (e.g. businessmen, students, security guards, drivers, former professionals, men and women).
- All those interviewed in Mogadishu are aware of the efforts (demonstrations) of the civil society in Mogadishu and appreciate them. However, they believe these appeals do not have any influence in the SNRP.
- Most people are aware of the key issues under discussion at the SNRP, but are not aware of the structure of the SNRP (e.g. the IGAD Technical Committee, the Phase 2 Reconciliation Committees, and the Civil Society Committee), and what different groups are discussing.
- People were very aware of the TV coverage of the SNRP. However, for the past two weeks the coverage has stopped. Interviewees feel it is very valuable as an information source, and expressed the need for the continuation of the TV channel covering the process. The TV coverage is either watched in people's homes (for rich people) or in public areas on the street (for other people, but only where TV is available).

- However, it was commented that the TV coverage was not as good as the quality of coverage of the Arta Djibouti peace conference. There are many scenes of ‘useless debate’ and ‘people screaming at each other’, but there is very little substance (e.g. commentary on the overall discussions and interviews). Although the TV coverage is shown at a very good time (7pm) when people can watch, the daily coverage is too short.
- The position of the international community is not heard in the media. Usually the voice of Kiplagat is the only voice being heard. More time needs to be given to let individual groups in the international community speak for themselves and speak directly to the Somalia people.
- Much of the content of news about SNRP is very negative. It is people posturing and making threats that if they are not succeeding with their ideas, then the whole process will succeed. There needs to be more balance and independence in what is given on the news, in order to prevent people getting depressed.
- IRIN needs to be careful not to work too closely with FM radios that are controlled by one faction or by one clan. This leads to specific stations selecting carefully the information that they want to publish or censor. For this reason, the Somalia people need to go also to BBC to double check what any FM radio says.
- The international community is very respected news source. However, Somali people want details about politics and the international community is reluctant to give good information because they want to be neutral and they give only general comments.

#### **Recommendations:**

- Advise the core group of the civil society to open up the focus group discussions to the wider community to express their contributions. At the moment, the audience they reach is very small and risks that they can be accused of just talking to groups of people who already know what is being said and already want peace.
- Establish specified time for IRIN contracted radios to air IRIN reports or updates so that the listeners can the information is purely from IRIN and not from the radio correspondents.
- Restart the TV channel covering the process at least for the crucial election period so that the Somali community can follow how things are going and the result. Establish a system for an independent interviewer to comment on the overall situation of the SNRP, particularly what is on the agenda, who is participating and summaries of what they say. Interviews with key participants would also be very useful to let them speak for themselves and put an end to rumours.
- Giving media attention to the Somali traditional elders is very important since, at the moment, most of the attention is going to the warlords. There are other voices in Somalia and they need to be heard.

## **Annex 9: Press Statement by Kenya's Special Envoy Ambassador Kiplagat, August 2003**

### **Press Statement by Kenya's Special Envoy and Chairman of the IGAD Technical Committee to Somali National Reconciliation Conference, Mr Bethuel A Kiplagat**

Issued in Nairobi 1<sup>st</sup> AUGUST 2003

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Ladies and gentlemen of the Media, first I would like to thank all of you for coming to this Press Conference. I would also like to commend you for your sustained coverage of the Somali peace process, which is a good indicator of how you rightly view and evaluate the seriousness of the matters at hand.

Similarly, I would like to convey my thanks to members of the IGAD Technical Committee and our international partners in the Somali National Peace and Reconciliation process for making themselves available. They are here in order to speak on any relevant and pertinent issues that may be better addressed by them as representatives of international organizations and governments who have played a critical role over the past nine months in seeking peace and reconciliation for Somalia.

The IGAD frontline states - which were mandated to seek a solution for Somalia and the international community - have exhibited total support to the process. Indeed, the level of commitment by the international community in the provision of diplomatic and political support; and the provision of resources to fund the Conference is highly commendable. I believe that all these well-wishers of Somalia will continue to support the process until the objectives set out early last year by the IGAD Heads of State Summit in Khartoum, and endorsed by the international community - are realised.

*Aim of briefing: We are on course...*

The aim of this press briefing is to inform you about progress and gains so far made by the Conference and to highlight key stages of the process before we embark on the formation here in Kenya of a transitional, broad-based, all-inclusive, government.

We are confident in our efforts that the government formed here will obtain prompt international acceptance and diplomatic recognition.

*Where are we now?*

We are almost at the end of the most critical phase of the conference – that is Phase II. I say this with some trepidation though with equal justification. In this lap, five working reports for the future government have been completed and adopted. These reports deal with the key issues which must be dealt with by the future government.

They are: Demobilization, disarmament and reintegration; land and property rights; economic reconstruction, institution-building and resource mobilization; regional and international relations; and conflict resolution and reconciliation. Their completion and adoption is a major milestone by itself. These reports provide for the future government, almost instantly, with useful and handy tools to deal with the main and immediate tasks ahead. A huge amount of time, talent and financial resources were expended to delineate the plans and to formulate the programmes.

I am glad to report that there is general agreement among the Somali delegates and other informed partners that the recommendations, which were approved by plenary sessions, represent a concrete and sensible approach to the tasks which were initially identified in Phase One and the priority areas.



### *The Charter*

The sixth report- which actually was considered by Committee One is the Charter. I must report that it was and is the most contentious. It has caused some delay in respect of the Conference timetable. In a process of reconciliation, where it is essential to take on board opposing views, more time for reflection and reconsideration was needed. I am glad to report that we have distributed today the Final Draft Version of the Charter which will be submitted formally to the delegates tomorrow – Saturday.

I believe you need a bit of background to this. The Charter committee came up with two versions. The IGAD Technical Committee in turn submitted the two versions to the Somali leaders committee for reconsideration with a view to obtaining a harmonized compromise version. After numerous meetings and consultations, the sticky points were identified and resolved.

This provided for the historic breakthrough of the 5th July 2003, where all the Charter disagreements were ironed out. It was resolved that the selection of the members of parliament would be done by the political leaders – signatories to the Declaration of Cessation of Hostilities signed in Eldoret on 27th October 2002 – and politicians who were originally and officially invited by the IGAD Technical Committee in consultation with traditional leaders. I am glad to say that all invited leaders are here. There are two who have not arrived and they are on their way here. Similarly, 73 Ugases (traditional leaders) have arrived. I must emphasize here that all the stakeholders fully participated in all the deliberations. In fact, it was after all the concerns were addressed that agreement was reached. Now the stage is set for the Plenary to discuss and debate the Draft Charter.

### *Some misunderstanding*

In the public domain, there are some incorrect reports which I suppose arise from oversight or misreading or lack of information on the Draft Charter. These need to be corrected. It has been broached that the issue of religion is not addressed. The Draft Charter in Chapter Two Article 10 proclaims: “1. Islam shall be the religion of Somalia. 2. The Islamic Sharia shall be the basic source for national legislation.”

### *A unified Somali State*

In a similar vein, there are suggestions that the Draft Charter is encouraging dismemberment of Somalia. Such an act is obviously in contravention of the UN Charter and repeated pronouncements of the Security Council; it is also the stance of the AU and the Arab League. In fact, the matter of a unified Somalia is proclaimed in the mandate given by IGAD Summit to the Technical Committee.

This is what the Draft Charter says on this issue in Chapter One Article 2.0: “1. The unity, territorial integrity, political independence and sovereignty of the Republic of Somalia shall be independent, sacred, inviolable and indivisible.

“2. The territorial sovereignty shall extend to the land, the islands, territorial sea, the sub-soil, the airspace above and the continental shelf.

“3. Boundaries: The Republic of Somalia shall have the following boundaries.

a. North – Gulf of Aden; b. Northwest – Republic of Djibouti; c. West – Federal Republic of Ethiopia; d. South-Southwest – Republic of Kenya; e. East – Indian Ocean.” That is what the Draft Charter says. As you can see the boundaries are not only specified but are also defined.

### *The primacy of the Somali language*

The language issue has also been embellished beyond belief. Suggestions abound that the Arabic language has been relegated or even worse in some reports - has been dropped totally. Here are the facts. The Draft Charter proclaims in Chapter Two Article 9: “The official languages of the Republic of Somalia shall be the Somali language (Maay and Maxaatiri) and Arabic. 2 The second official language of the Transitional Federal Government of Somalia shall be English.”

Let me reiterate here, that the Conference is about the Republic of Somalia and not a section of it. And that is what my colleagues and myself are mandated to fulfill. Efforts have been made in the past to ensure that all parts of the country is fully represented in the conference. And as I speak, we have not relented or given up on seeking the participation of all parts, groups or representation of all shades of opinion. The parliament formed will be made up of all clans. On the issue of Ugases (Sultan, traditional leaders), 73 are already here in the Conference.

The security issue is of paramount importance for Somalia and a major concern for her neighbours and the international community. The country cannot be allowed to continue to bleed. On this front, a committee – with the full support of the AU and the UN - is working tirelessly on security matters.

Finally, ladies and gentlemen we are all looking forward to the formation of a transitional Somali government very soon which, with the help of the international community, will have the capacity to seize the enormous opportunities and goodwill under offer; and will wrench the country from the present state of despair and devastation. Ultimately the Somali people will determine their destiny through free and fair polls after the expiry of the interim dispensation which will be formed here.

I hope as we enter the third phase – which will principally be about power-sharing – we shall have more press conferences of this kind so that we share in the joy of breaking good tidings to Somalis, Africans and the World.

Now I invite any questions from you. Thank you.

## **Annex 10: Statement made by Hassan Dahir Aweys 12 April 2004**

### **“Who takes responsibility?”**

The Sheikh issued his statement (in very splendid prose) dealing with multifarious aspects of the people and the country, to the Somali nation in general, and religious scholars and other enlightened segments of the society in particular, under the title and with the rhythm of “Who takes the responsibility?”. And he said:

“The power of our nation ruined and its administration eradicated, its land and marine resources as well as those of its rural and urban centers plundered, our country divided and invaded, its livestock robbed, its people massacred and subjected to every harassment and misleading idea, eh! “Who takes responsibility?”

The fence is broken into<sup>110</sup>, the people were set against each other, some subjected to religious conversion, many were debauched and others were set against their country, people and religion, while some of them have even sold their religion for material things, eh! “Who takes responsibility?”

The national security breached as fighting is going on all over the country. Gun-toting youngsters and debauchers are hanging out everywhere and a roadblock was erected in every street by a certain clan in a shameless way, eh! “Who takes responsibility?”

The enemy enters in and gets freely out of the country, introducing a large number of weapons to create hostility among the locals. The enemy kills, threatens or arrests anyone that opposes them, while using others for their own interest, eh! “Who takes responsibility?”

The religion invaded, my people are 100% Muslim of Ahlu-Sunna sect and there is no reasoning under which the Bible should be disseminated or a renegade should be offered status among them, eh! “Who takes responsibility?”

Muslims are beloved by and feel pity for each other, defend themselves against their enemy and pull their moral and military power together with support from Almighty Lord, eh! “Who takes responsibility?”

Some of those vying for power used, in order to sell themselves to foreigners and the enemy, to violate the nation’s sacred things such as religion, Arab origin and language, national unity, eh! “Who takes responsibility?”

The national property was devastated and nothing spared as even the iron scrap was taken, the trees cut down, the female livestock exported, eh! “Who takes responsibility?”

Only old remnants of the national army and their arms are in place while no replacements are in sight at the moment, eh! “Who takes responsibility?”

The country, people, religion and everyone are all orphans. Eh! “Who takes responsibility?” “Who takes responsibility?” “Who takes responsibility?” And any one who perceived the message, wake up!!!

With this, Sheikh Aweys concluded his remarks.

(English translation of statement published in Xog-ogaal newspaper, Mogadishu, 12 April 2004)

<sup>110</sup> i.e. there was intervention in the country’s internal affairs

**JOINT SECURITY COMMITTEE**

**COMMUNIQUE**

**24<sup>TH</sup> November, 2008**

The Joint Security Committee met in Naivasha 20 – 24 November 2008 under the auspices of the United Nations, the African Union (AMSIOM) and with the support of international security experts.

The Parties reaffirmed their commitment to fulfil its obligations under international humanitarian law in respect to civilian protection and human rights.

**The Cessation of Hostilities**

The Parties reaffirmed the Cessation of Hostilities Agreement of 26 October and agreed to continue to work to its speedy implementation;

The Parties established a Cessation of Hostilities Supervisory Committee which shall undertake further planning and develop detailed proposals to strengthen the Agreement and which shall report to the Joint Security Committee, which in turn shall report to their leadership through the High Level Committee;

The Parties called on all Somalis to actively support the implementation of the Cessation of Hostilities and the peace-making process and reiterated their view that all armed groups and Somali communities should join both the process and structures being established to develop peace and reconciliation in Somalia.

**The Joint Security Committee (JSC)**

The Parties developed detailed proposals to strengthen the Joint Security Committee, including the establishment of JSC headquarters and liaison offices;

The Parties agreed that the JSC shall in addition to fulfilling its mandate have supervisory and advisory roles to the transitional security forces of Somalia, including the Somali Police Force;

The Parties established Working Groups that developed further detailed planning regarding the functions and responsibilities of the JSC, the development of a full ceasefire and the establishment of a Verification and Monitoring Mission (VMM), the integration and realignment of the Somali Police Force and the integration and strengthening of transitional security forces of Somalia.

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a smaller, less distinct mark.

### **The Verification and Monitoring Mission (VMM)**

The Parties agreed to establish a Verification and Monitoring Mission and commenced planning for its establishment;

The Parties agreed to the framework for the Verification and Monitoring Mission;  
The Purpose of the VMM shall be to promote a full ceasefire in Somalia;

The Parties agreed to commence discussions with the international community with regard to the role of Third parties in the VMM, specifically concerning the role and support of the United Nations, the African Union Mission to Somalia (AMISOM) and the Arab League.

### **The Somali Police Force**

The Parties established a joint working group for the integration and the realignment of the Somali Police Force;

The Parties agreed that the Somali Police Force is a national police operating under the rule of law for the protections of civilians and human rights and within the Somali Police Force rules and regulations;

The Parties agreed that recruitment be open to all Somali men and women willing to apply for selection;

The Parties agreed to accelerate the recruitment and training of new candidates for the Somali Police Force;

The Parties agreed that the Somali Police Force will have a unified command.

### **The Transitional Security Forces**

The Parties agreed to develop detailed plans for the establishment of interim joint security forces and command structures in support of the Cessation of Hostilities Agreement;

These interim joint security forces and command structures will operate under the authority of the Joint Security Committee and will act in support of the Cessation of Hostilities Agreement.

The Parties thanked the United Nations, the African Union (AMSIOM) and the international security experts facilitating the meeting and requests the International Community to provide the necessary assistance, both technical and financial, required to implement the measures agreed upon.

Colonel Omar Hashi  
Chairman, ARS-JSC



Hon. Mohamed Mohamud Haid  
Chairman, TFG-JSC



## Annex 12: Timeline of key political-Security Events Late 2001-2009<sup>11</sup>

### Timeline of the Mbagathi IGAD-led Peace Process Late 2001-04

Dec 2001	Nakuru talks (TNG and SRRC) mediated by Kenyan President Moi; Ethiopia hosts parallel talks with SRRC in Gode, Ethiopia
Jan 2002	IGAD agreement for frontline states to lead Somali reconciliation talks
Oct 2002	Talks launched, Eldoret Declaration on federal government structure and Cessation of Hostilities
Nov 2002	Phase II launched but talks stall over representation; G8 alliance formed Technical Committee legitimises Leaders' Committee Two terrorist attacks targeting Israel interests on Kenyan coast
Dec 2002	Moi steps down, new Kenyan president Kibaki elected Baidoa changes hands; Luq changes hands; Puntland attacks Las Anod
Jan 2003	New Kenyan Special Envoy appointed Ambassador Kiplagat
Feb 2003	Foreign ministers of IGAD frontline states renew commitment to talks Talks relocated to Mbagathi, outside Nairobi
Mar 2003	TNG president recalls PM Hassan Abshir and Speaker Derow, they remain at Mbagathi
May 2003	Phase II draft reports presented to plenary, Harmonisation Committee to compile a single report Somaliland presidential elections won by Dahir Riyale Puntland peace accord between Abdulahi Yusuf and Adde Musa Civil society organises one day strike in Mogadishu to pressure faction leaders to compromise
June 2003	Military build-up by SRRC leader Morgan on Ethiopian border with Gedo presents threat of military take-over of Kismayo Kenya closes airspace between Kenya and Somalia after terrorism alert
July 2003	Agreement by leaders on government structure, disputed by TNG president and allies Threat of military attack by SRRC leader Morgan deters non-SRRC leaders Barre Hirale and Seraar from leaving Kismayo UNPOS meeting with the Kenyan chair over concerns amongst Somalis and international observers over the poor quality of the draft charter, procedure for its debate and approval
Aug 2003	Disaffected non-SRRC leaders leave for Somalia (Musa Sudi, Atto, Barre Hirale, Habsade) Heated plenary sessions over different versions of draft charter and accusations of bias in mediation; Djibouti absent; growing concerns charter will be approved without discussion TNG mandate expires Increasing tensions in Mogadishu and Sool and Sanag regions over uncertain status of the talks
Sept 2003	Reconciliation between two SRRC RRA leaders Shatigaduud and Madobe (Habsade is aligned with the Mogadishu group) - Baidoa calmer Disaffected faction leaders led by Musa Sudi meet Abdiqasim in Mogadishu Shuttle diplomacy to persuade them to return to the talks (14 Sept) Technical Committee refuses to re-open debate on draft charter; Abdiqasim returns to Somalia Charter "approved by acclamation" in plenary (15 Sept) Press statement on 'collapse' of talks by Abdiqasim and disaffected non-SRRC leaders (16 Sept)

<sup>111</sup> This timeline draws on Humanitarian Exchange, September 2008

	Disaffected faction leaders return to Somalia, form new alliance of 12 factions, National Salvation Council, chaired by Musa Sudi (30 Sept)
	Djibouti suspends participation in Technical Committee; EU and US lobby Kenya govt to restore 'inclusivity' and address divisions in Technical Committee
	Former Kenyan president Moi's speech erodes credibility in Kenya as honest broker
Oct 2003	Disaffected leaders chaired by Musa Sudi sign MoU on TNG's renewed mandate
	IGAD foreign ministers expand mediation body to include all IGAD states, close Phase II but do not launch Phase III pending consultations with faction and political leaders
	Ethiopia reduces its active engagement after criticisms of its approach
	Three internationals assassinated in two incidents in Somaliland (Borama, Sheikh)
Nov-Dec 03	IGAD countries exert pressure on faction leaders to return to talks
Throughout 2003, civic mobilisation to improve local security in Mogadishu; establishment of neighbourhood watch at district level; business sector supports sharia courts in Mogadishu to address local crime and improve local security; jihadist figures return to Somalia; assassinations of military officials by masked gunmen in Somalia	
Jan 04	Leaders' Consultations in Nairobi over three weeks
	Safari Park Declaration amends charter, notably on MP selection (29 Jan)
	Declaration is disowned by a group of SRRC leaders (Morgan, Madobe, Said, Abdullahi Ismail)
Feb 04	Kenyan foreign minister Musyoka attempts to "clarify" the Declaration
	Disaffected SRRC leaders (above) join Mohamed Dhere in Somalia
	Diplomatic efforts and warnings to those who have left the talks
Mar 04	Disaffected SRRC leaders announce new alliance in Somalia and others threaten to leave the talks
	International aid worker assassinated in Somaliland (near Hargeisa)
April 04	Aweys' speech in Mogadishu "Who takes responsibility?"
May 04	IGAD foreign ministers meet in Nairobi, marking Ethiopia's return to full active engagement for first time since October 03; IGAD foreign ministers meet three more times during May and June
	Majority of leaders return to talks
	Phase III launched
June 04	Traditional leaders brought to talks, arbitration committee formed
July 04	Military build-up in Juba (SRRC Morgan) - JVA Barre Hirale leaves talks to return to Kismayo
	Kenyan Special Envoy Kiplagat statement calls for sanctions against Morgan
Aug 04	206 of 275 MPs sworn in; 12% quota for women MPs not implemented
Sept 04	Parliamentary speaker elected
	JVA Barre Hirale makes pre-emptive strike against attempted armed takeover of Kismayo by SRRC Morgan, who crosses border and surrenders to Kenya
Oct 04	President Abdulahi Yusuf elected
Dec 04	Prime Minister Ali Gedi nominated from outside parliament (Mohamed Dhere 'gives' up his seat)
	Parliament accepts PM nomination on 23 Dec (after initial refusal on 11 Dec)
	PM Ali Gedi forms 82 member cabinet

## Timeline of key political-security events after the formation of the TFG, 2005-2009

Mar 2005	Parliament session in Nairobi over deployment of IGAD peace-keepers and relocation to an interim capital results in split within the TFG: Speaker Sharif Hassan and Mogadishu-based ministers go to Mogadishu (the Mogadishu group) while the President and other ministers remain in Kenya (the Yusuf wing)
June 2005	Mogadishu security and stabilisation plan – mass civic mobilization supported by business sector,, traditional leaders and Mogadishu group clears checkpoints, encamps militia, urging Yusuf wing to relocate to Mogadishu Yusuf wing of the TFG officially leaves Kenya to interim capital Jowhar
July 2005	AU supports IGAD deployment: UN Security Council does not authorize
Sept 2005	Yusuf moves Puntland troops to interim capital Jowhar, Mogadishu Group and Islamic Courts mobilize militia in response: confrontation averted
Jan 2006	Yemen reconciliation between President Yusuf and Speaker Sharif, agreement to convene parliament in 30 days
Feb 2006	TFG relocates from Jowhar to interim capital Baidoa, parliament convenes for first time since March 2005 in Nairobi US-funded faction leaders (Qanyare, Musa Sudi, Bashir Rage and others) announce new Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT), fighting erupts in Mogadishu
June 2006	After 4 months of heavy fighting in Mogadishu and over 350 dead, the ARPCT is defeated by the Islamic Courts Union (ICU); ICU fills political vacuum; Mogadishu port and airport open for first time since '95 PM Ali Gedi dismisses the 'armed ministers' (ARPCT) Khartoum talks begin between Yusuf's wing of TFG and the ICU
July 2006	UN Security Council considers deployment of IGAD peace-keepers 39 cabinet ministers resign, rift between President Yusuf and PM Ali Gedi
Aug 2006	ICU controls most of Mogadishu and expands through south-central Somalia, TFG confined to Baidoa under protection of Ethiopian troops Eritrea reportedly augments military support to ICU as well as ONLF and OLF [armed opposition to Ethiopian government]
Nov 2006	ICU executive chairman, Aweys, repeats irredentist claims to greater Somalia
Late 2006	Influx of foreign jihadist fighters into south-central Somalia
Dec 2006	ICU attacks Ethiopian troops and TFG forces in Baidoa and suffers heavy losses, Ethiopian troops enter Mogadishu, ICU dissolves
Jan 2007	US airstrikes on suspected Al Qaeda foreigners in south west Somalia
Feb 2007	UN SC authorizes AU peace-keeping mission with mandate to protect TFG and key installations
Mar 2007	Civil war escalates with heavy battles between Ethiopian/ TFG forces and armed opposition triggering the onset of mass civilian displacement from Mogadishu and a humanitarian emergency
April 2007	Fighting intensifies amidst evidence of war crimes by all sides; no public condemnation by western diplomats and UN; IGAD blames extremists and applauds Ethiopia, Eritrea suspends its membership; TFG PM Ali Gedi declares victory; TFG obstructs aid delivery to displaced population; over a third of Mogadishu population have fled;
July 2007	TFG reconciliation conference in Mogadishu, allegations of corruption by senior TFG officials; ICRC-funded hospitals treated 3000 war-wounded over 6 months; security continues



	to deteriorate; proliferation of checkpoints; shrinking humanitarian access; escalating humanitarian crisis
	Donor discussions on funding for reconstruction continue
Sept 2007	Alliance for the Re-Liberation of Somalia (ARS) formed in Eritrea - broad coalition of Islamists, disaffected MPs, diaspora nationalists, former ICU
Nov 2007	TFG PM Ali Gedi resigns, Nuur Hassan Adde appointed as new PM Ethiopia troop reinforcements to Mogadishu amidst further heavy fighting
Dec 2007	Hard-line jihadists Al Shabaab declare AMISOM a legitimate target; security situation in Mogadishu and elsewhere continues to deteriorate (improvised explosive devices, indiscriminate shelling and shooting, mass detentions, summary executions)
Feb 2008	Increase in scale and organization of attacks by armed opposition in south-central Somalia
Mar 2008	US airstrikes against Al Shabaab leaders in Dhobley and designates Al Shabaab as terrorist group
April 2008	Heavy fighting resumes in Mogadishu, credible reports of atrocities continue Humanitarian emergency spreads to central Somalia
May 2008	US airstrike against Al Shabaab leaders in Dhusamareeb, central Somalia; Al Shabaab declare international aid workers legitimate targets
June 2008	UN-sponsored Djibouti peace talks between TFG and the (ARS)-Djibouti
Aug 2008	TFG and ARS-Djibouti sign Djibouti peace agreement - cessation of hostilities, withdrawal of Ethiopian troops, UN peace-keeper deployment - – rejected by ARS-Asmara
Oct 2008	Three simultaneous suicide car bomb attacks in Hargeisa and two in Bosaso
Nov 2008	President Yusuf says his government is on the verge of collapse Joint Security Committee Communiqué signed by TFG and ARS-Djibouti
Dec 2008	President Yusuf fails in attempt to sack PM Nur Adde; succumbs to heavy pressure from several governments to resign; Ethiopian troops withdraw from Somalia, maintaining border presence Displaced people begin to return to Mogadishu Dadaab refugee camp in northeast Kenya is the largest in the world, hosting nearly 250,000 Somali refugees (almost three times its capacity) Leading Somali human rights group estimates 15,000 civilians have been killed in fighting in 2008 36 aid workers killed in Somalia during 2008; 28 aid workers abducted UN monitoring group report highlights misuse of donor funding to TFG security forces
Jan 2009	Djibouti peace process continues: parliament is doubled in size with representatives nominated by the ARS-Djibouti; the new TFG President Sheikh Sharif Sheikh Ahmed (former head of the ICU) is elected by the expanded parliament; announces joint security committee in Mogadishu
Feb 2009	ARS-Asmara and Al Shabaab reject outcome, attacks on AMISOM AMISOM troops reportedly fire on civilians after a roadside bomb attack Mogadishu conference of 300 clerics and elders calls for withdrawal of AMISOM within 120 days 19,000 displaced people have returned to Mogadishu since withdrawal of Ethiopian troops. Mogadishu at its calmest since mid 2006 despite continuing attacks on AMISOM Omar Abdirashid Ali Sharmarke is appointed as new TFG PM
Mar 2009	Local media reports of significant presence of foreign jihadists; frontline shifts to central regions between Al Sunna wa Jama and Al Shabaab, resulting in large civilian displacement

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