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NEGOTIATIONS IN CIVIL WARS: A CASE STUDY OF THE SOMALIA NATIONAL RECONCILIATION PROCESS, 2002-2005 ⁄

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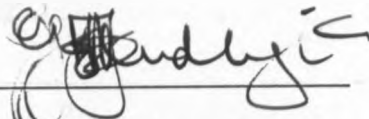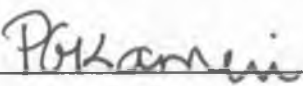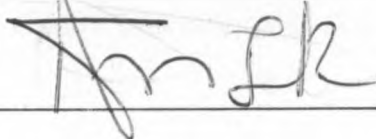
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DECLARATION

This thesis is my original work and has not been submitted for a degree to any other University.

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DEDICATION

To Abilo, Tata and Nyakan Nyomitha ka Ng'ong'a Kodima; continue the good fight.

ACKNOWLEDGEMENT

"Through our pain, they will see their injustice" Mahatma Gandhi

The road to complete this thesis was long and full of obstacles and rewards. Although it is signed by me, this thesis is a combination of passing rites of passage and long hours of staying awake and working at the computer. This could not have been accomplished without the nutrients of intellectual stimulus and discussion, friendship and above all the love of many people especially Prof. Makumi Mwagiru Prof. Nyunya and Dr. Ludecki Chweya's invaluable reengineering of the proposal stage. Pauline Onunga, Walter Odhiambo and Sam Opondo deserve special mention here for delving into the newspaper archives and other sources to dig materials that were rare. Above all I thank the Somalis especially, my great friend and brother, Mudhane Hussein Osman Hussein.

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ABSTRACT

This thesis is located in the post cold war period which has witnessed an increase in internal conflicts as opposed to inter-state ones especially in Africa. The civil wars also referred to as "new wars" defy efforts to manage them raising the question on whether they can terminate through negotiations. The problem this study set to investigate is whether a protracted conflict like the one in Somalia can end through negotiations and if so what would be the conditions under which it may terminate successfully. It is within this context that a need to scrutinize the 14th Somalia National Reconciliation effort is necessary as a way of determining the variable that influence success or failure of negotiations under such circumstances. Departing from other negotiations this initiative involved factions alone. Conceptually, first the objective of the study was to accurately give an accurate historical account of the Somalia National Reconciliation Conference. Secondly, it was to investigate factors that determine success or failure of negotiations involving factions alone and thirdly, to determine whether there are other factors apart from ripeness that influence success or failure of negotiations. The study set to test the assumption that willingness and readiness are likely to influence success or failure of negotiations involving factions alone. In pursuit of these objectives and hypothesis the study adopted a methodology t with three component tools of analysis. The first was secondary data analysis. This involved a critical review of both published and unpublished materials on negotiation theory and Somalia. The instruments employed in this case were within case analysis and cross case analysis. The two instruments highlighted new variables in the case study as well as capturing comparative perspectives that determined the conclusion. The second component involved interviews with various delegates, participants and key informants. The third methodological component was the focused group discussions with select participants on the basis of their knowledge and expertise. Within the last two components both qualitative and quantitative aspects of research procedures were used. The main finding of the study from this data is that success or failure of negotiation depends on willingness and readiness especially where multiple mediators and factions are involved. To the extent that the two variables help to improve coordination and mobilization in negotiations the chances for success are enhanced. Drawing from the finding the study concludes that future negotiations involving regional institutions like IGAD with diverse interests should be coordinated and that calls for factoring willingness and readiness both within party dynamics and other actors in order to avoid confusion. This implies that there is need for two levels of negotiations. The first involving the multiple mediators meant to bring about the unity of purpose, and the second, with the factions for purposes of mutually resolving their conflict. Conceptually this informs the idea of dual willingness and readiness within a systemic approach in conflict management.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Background to the Study

After the Cold War there was hope that conflicts would reduce in the world. However, within a few years these hopes were dashed as wars broke out with more ferocity and frequency particularly in Africa. Worse still those conflicts that showed signs of resolution, reverted into protraction and intractability. For instance Angolan, Rwandan and Somali conflicts re-emerged in more vicious form in the 1990's. By mid 1990s these internal conflicts underscored intractability and imperviousness to international intervention. In Somalia more than seventeen different attempts to stop the war failed in spite of the killings and destruction of property resulting from it. The spillover effect of this conflict resonated in the region and led to heightened tension at times.

Both the conditions that give rise to civil wars and those that result from them demand a holistic approach, which goes beyond the traditional security-military method. Old frameworks like traditional peacekeeping are inadequate in dealing with such situations. One approach gaining currency is the process of negotiation which brings together parties to a conflict in search of a mutual solution. The method assists parties not only to address sources of their conflict but also to come up with a mutually agreed on solution thus, creating an opportunity to solidify peace. Even though debates on negotiations continue, it has been used in different conflict situations with varied results. One recent development in negotiations is the involvement of regional and sub-regional institutions. Although scholars hold divergent views about the suitability of regional institutions intervening in conflicts within their localities, in practice there is more and more evidence of efforts of this nature taking place. The Intergovernmental

Authority for Development (IGAD) led initiative in Somalia being an example of intervention by a sub-regional organization. The Somalia Transitional Federal Government (TFG), a 275 member Somalia Transitional Federal Parliament, comprising, representatives of clans, armed and non-armed factions and the civil society and a president and prime minister. It was a broad based outcome of the Somalia National Reconciliation conference that in addition, provided a window of opportunity to build a federal government incorporating autonomous regional territories in the south, and others that parliament would create through legislation.

The subsequent, government of Ali Ghedi brought to an end the reconciliation conference under IGAD in Kenya. The inauguration of Abdullahi Yusuf on 15th October, 2004, marked the end of the second phase while the relocation to Somalia in January, 2005, ushered in the third phase or the implementation of the outcome of the conference.[1] Different views are held about the outcome of this negotiation. Whereas some argue that the negotiations were a success, others contend the view. This study examined both the intervention of IGAD and its outcome with a view to explain and investigate the circumstances under which the outcome of the peace process was realized.

1.2 Statement of the Research Problem

The negotiations in Somalia came as a result of the protracted war that began in 1991. Contrary, to claims by the TNG Somalia, did not have a government that was recognized, either locally or internationally. The Somali negotiation therefore brought members of different actors to the negotiating table in Kenya in 2002. This was after thirteen other initiatives failed. Departing from the common negotiation structure in civil wars, where governments negotiate

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[1] Bernard Namunane, "Karibu, Mr. President: History is made as Abdullahi Yusuf is sworn in as new Somalia leader," *Daily Nation*, Nairobi, 15th October, 2004.

with rebels, the Somali process brought to the table only members of different factions involved in the conflict.

Although protracted civil wars are difficult to resolve this is no reason to assume that they cannot be ended through successful negotiations. Examples of negotiated protracted civil wars exist in different parts of the world. In Latin America for example, negotiations took place in Guatemala, Nicaragua and El Salvador, while in Africa, Mozambique, South Africa, Uganda, Zimbabwe and Sudan are cases in point while it is worth noting that Asia, East Timor, Cambodia the Philippines and Europe also provide an example from the Good Friday Agreement between the British and the Irish.

Considering that increasingly, the continent of Africa is beset by failed, weak or collapsed states this implies the likelihood of not having a government side during negotiations. Additionally, even when a government presents itself it may be either weak or fragile to the extent that the dynamics of negotiations significantly change. Taking the 14th Somalia National Reconciliation Conference as a case, the study reviews the circumstances that determine successful or failed negotiations of this nature.

The Somali negotiations in Kenya were part of the larger reconciliation process of the Somali people involving thirteen other conferences since 1991.[2] The 14th initiative followed an IGAD Summit decision in Khartoum that mandated Frontline states (Kenya, Ethiopia and Djibouti) to organize a reconciliation process for Somalia.[3] Using these negotiations as an optic lens for analysis, the study sought to address one fundamental question: can protracted civil wars involving factions alone, end through negotiations? If so, what conditions would lead to

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[2] Lucas Barasa, "It was No Easy Walk to Peace: There was little optimism when Moi and Museveni launched IGAD talks, since 13 others had flopped, and factions reneged in all pacts," *Daily Nation*, Nairobi, 15 th October, 2004.
[3] See Resolution 2 (b) and (c) on Somalia by the 9th Summit of IGAD Assembly of Heads of State and Government, Khartoum, 11th January, 2002.

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successful or otherwise negotiations? In view of these questions this study contributes to the discourse on negotiation theory and practice.

1.3 Objectives of the Study

The main objective of this study is to analyze the negotiation process of the 14th Somalia National Reconciliation Conference. In this broad objective there are several specific ones examined along with the main one.

1) To establish the conditions under which negotiations amongst factions occur

2) To describe the Somali National Reconciliation Process

3) To examine the outcome of negotiations involving factions alone.

1.4 Research Hypothesis

I argue that a peace process should be linked to the outcome in order to determine its success or failure. From this understanding I posit that where it is factions negotiating on their own, success or failure becomes the subject of ripeness, willingness and readiness. I therefore hypothesize that:

H_1-Willingness and readiness are likely to determine success or failure of negotiations

H_0 -Willingness and readiness have no relationship with success or failure of negotiations

H_2-Willingness and readiness are unlikely to determine success or failure of negotiations

1.5 Literature Review

The review of literature is classified under four sub-headings: Literature on Ending Civil Wars; Literature on Negotiation and Mediation; Literature on Power-sharing and literature on Somalia.

1.5.1 Civil wars and Ending Civil Wars

Two kinds of literature deal with the subject of ending civil wars. The first argues that civil wars can be terminated through the negotiation process. The second group of literature examines the conditions and tools that may lead to successful negotiations for parties in civil wars.[4] In this regard, while some literature point to stalemate and ripe conditions, others insist not only on ripeness but also readiness.[5] Readiness is construed as the acknowledgement that negotiations are better than continued fighting. In this case, while readiness for leaders and their parties refers to willingness to accept negotiations, [6] for the mediator, on the other hand, it describes a different set of circumstances. Crocker[7] associates readiness in mediation with the moment when a mediator has assembled the requisite resources, political backing and institutional support-both domestically and among coalition partners-to move the negotiation process forward. The assumption by scholars who adhere to this view is that the negotiated settlement remains binding to the parties involved. The second group of literature in this area approaches of the theme of ending civil wars from an implementation perspective. The focus of this literature is the effort to make warring parties comply by their written commitments to

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[4] see for example, Fred Ikle, *Every War Must End* (New York: Columbia University Press 1971); Paul Pillar, *Negotiating Peace: War Termination as a Bargaining Process* (New Jersey: Princeton University Press, 1983) I.W. Zartman, *Ripe for Resolution* (New York: Oxford University Press, 1985); Richard Haass, *Conflicts Unending* (New Haven: Yale University Press 1990); Stephen John Stedman, *Peace Making in Civil Wars: International Mediation in Zimbabwe 1974-80* (Boulder Colo: Lynne Rienner, 1991).

[5] G.R.Berridge, *Diplomacy: Theory and Practice*, 3rd edn (London: Palgrave, 2005) pp. 29-32; see also H.H.Saunders, "We Need a larger Theory of Negotiations: The importance of Pre-Negotiating Phases," *Negotiation Journal*, Vol.1, (1985) p. 249.

[6] see Betram I.Spector, "Negotiation Readiness in the Development Context: Adding Capacity to Ripeness," Paper presented at the Annual Conference of the International Studies Association, Minneapolis, 19th March, 1998

[7] Chester Crocker et al, "Rising to the Challenge of Multiparty Mediation: Institutional Readiness, Policy Context and Mediator Relationships, " in Chester Crocker et.al (eds.) *Herding Cats: Multiparty Mediation in a Complex World* (Washington DC: US Institute for Peace Press, 2003) pp. 678-679.

peace.[8] In essence this literature goes beyond the agreement and examines success in terms of outcome implementation.

The debatable issue here is whether civil wars can end through negotiations. While one view argues that civil wars are unlikely to end through negotiated settlements, the other argues on the contrary.[9] Scholars like Curle[10], Ikle[11] and Pillar[12] viewing the stakes in civil wars as indivisible conclude that civil wars do not end through negotiations unless they are highly internationalized. However, Stedman contends this and posits that issues in civil wars are divisible and therefore negotiable.[13] In his view, distribution, identity and penetration, are divisible.[14] For Stedman it is, internal factors like ideology, philosophy, fear of settlements, power struggles, division and escalation that obstruct negotiations.

However, both Pillar[15] and Stedman[16] use data from the period before the end of the cold war to make conclusions. This data is deficient in explaining post cold war era conflicts, fought in the context of collapsed, weak or fragile states. But more importantly, Pillar[17] and Stedman[18] fail to link successes or failures of ending civil wars to the process and its implementation. The two scholars limit the scope of conflict resolution by equating success with the attainment of an agreement. In this case the assumption is that successful negotiations signal an irreversible reduction of conflict. A perception reinforced by examples of Zimbabwe, Namibia and

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[8]see for example Stephen J. Stedman, D. Rothchild & E. M. Cousens, *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: London: Lynne Rienner, 2002);see also, S.J. Stedman, *"Negotiation and Mediation in Internal Conflict",* in Michael E. Brown (eds.) *The International Dimensions of Internal Conflict,* (Cambridge: MIT Press, 1996) pp.341-344

[9] Detailed accounts on the issue are in works of scholars like H.A. Calahan, *What Makes a War End*: Clark C. Abt, *The Termination of General War*: Stuart Albert& E.C. Luck (eds.) *On the Endings of Wars.*

[10] see also Adam Curle, *Making Peace* (London: Tavistock, 1970) p.24

[11] Fred Ikle, *Every War Must End* op.cit. p.95

[12] Paul Pillar, *Negotiating Peace: War Termination as a Bargaining Process* op.cit. pp.3, 24-25.

[13] S.J Stedman, *Peacemaking in Civil Wars; International Mediation in Zimbabwe, 1974-80* op.cit pp.1-2

[14] Ibid pp 5-6.

[15] Paul Pillar, *Negotiating Peace: War Termination as a Bargaining Process* op.cit. pp.3, 24-25.

[16] S.J Stedman, *Peacemaking in Civil Wars; International Mediation in Zimbabwe, 1974-80* op.cit pp.1-2.

[17] Paul Pillar op.cit pp.24-25.

[18] S.J.Stedman op.cit pp.1-2.

Nicaragua. However, this is discounted by experiences in Angola, Rwanda, Liberia and Somalia which failed after agreements were reached in the 1990s. This realization focuses attention on the need to connect the peace process and its outcome by making parties to live up to their commitments during implementation.

The issue of measuring success or failure using agreements is not yet concluded. While Down[19] and Stedman[20] attribute failure of implementation to spoilers, on the one hand, Doyle[21] on the other holds international actors culpable. Similarly Walters[22] and Hampson[23] insist that it is the lack of outside security guarantees that may give parties leeway not to abide by agreements. This research adds to this debate by examining the circumstances under which the link between process and outcome, may contribute to successful implementation. The study suggests that a flawed process undermines implementation. It therefore traces failure whether through spoilers or lack of international guarantee back to the peace process. It argues further, that the international community shies away from guaranteeing skewed processes. The case of Somalia provides a chance to understand the sequence and relationship between these variables.

1.5.2 Negotiation and Mediation

Two approaches in the literature on negotiation and mediation lead to a methodological debate. To understand this distinction, it is necessary to define the two concepts first. Touval and Zartman[24] view mediation as a third party activity aimed at assisting parties in conflict to

[19]see George Downs and Stephen Stedman, "Evaluating Issues in Peace Implementation," in S.J.Stedman et al, *Ending Civil Wars: Implementing of Peace Agreements* (Boulder: London: Lynne Rienner, 2002) pp. 45-52.

[20] Stephen J. Stedman, "Introduction," in Stephen J. Stedman, D. Rothchild & E. M. Cousens (eds) *Ending Civil Wars: The Implementation of Peace Agreements* op.cit.pp. 3-5.

[21] Michael Doyle, " Strategies of Enhancing Consent," in Abraham Chayes and Antonia Handler Chayes (eds) *Preventive Post Conflict in Post Communist World* (Washington DC: Brookings Institutions, 1996) pp. 484-506

[22] Barbara F. Walters, "The Critical Barrier to Civil War Settlement," *International Organizations*, Vol.51, No.3 (1997) pp. 340-347

[23] Fen Osler Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington DC: United States Institute for Peace, 1996) pp. 210-221

[24] Saadia Touval & I.W., Zartman, "Introduction: Mediation Theory" in S. Touval & I.W., Zartman (eds) *International Mediation in Theory and Practice* (Boulder: Westview, 1985) p.7

continue negotiations. Mediation is thus necessary when parties in negotiation reach a deadlock or a stalemate and cannot therefore continue with talks on their own.[25] From this perspective Mwagiru[26], Bercovitch, Houston[27] and Moore[28] draw the conclusion that mediation is an extension of negotiation under special circumstances.

Within the literature on mediation, two main frameworks with distinct methodological approaches emerge.[29] While one approach is power based, the other is not. Supporters of non-power based mediation like Burton,[30] describe it as an integrative process that resolves conflict through an analytical approach. This implies that parties mutually analyze the problem as a means to an amicable solution. The contrary is true of the power based approach. Additionally, the non-power based approach has human factors as opposed to institutional behaviour as the core of its thrust.

The aim of non-power based approach therefore is to improve relationships between the adversaries. On the contrary power based mediation, is a directive process with a defined structure of power relations. The object of the mediation is mainly the attainment of an outcome.[31] Emphasis therefore, is on issues of immediate interest or importance to the parties. As such the approach ignores the underlying and more fundamental issues at stake.[32] Short term

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[25]Saadia Touval & I.W., Zartman, "Introduction: Mediation Theory," in S. Touval & I.W., Zartman (eds) *International Mediation in Theory and Practice* op cit. p7. See also Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies, in the Sudan Conflict* (Boulder: Westview, 1987) p.115

[26] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000) p.115

[27]see Jacob Bercovitch and Allison Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," in Jacob Bercovitch (ed) *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynne Rienner, 1996) pp.11-12.

[28] Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflicts* 2nd,edn (San Francisco, Jossey-Bass, 1986) pp.14-18

[29] M. Hoffman, *"Third-Party Mediation and Conflict Resolution in Post- Cold War World".* op cit. pp 15-16

[30]see J.W. Burton, "The Resolution of Conflict", *International Studies Quarterly,* Vol.16 No.1 (1972) pp5-29

[31]Louis Kriesberg, "Varieties of Mediating Activities and Mediators in International Relations," in J.Bercovitch (ed) *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynne Rienner, 1996) pp.230-231

[32] J. Burton, *Resolving Deep-Rooted Conflicts: A Handbook* (Lanham: MD.: University Press of America, 1987)

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gains like reconstructing institutions (government) are dealt with at the expense of probing deep into the problem.

Critics of the non-power based approach like Bercovitch[33] argue that the method is not helpful especially in international conflicts involving diverse groups that perceive a threat to their vital interests. Burton[34] however, contends that instead power based approach advanced by Bercovitch overlooks the underlying sources of conflict and therefore is unsuitable particularly in protracted deep-rooted conflicts, like the Somalia one. For Burton, power based approaches, instead of producing long term outcomes, often lead to interim solutions that are subject to the stress and strains of uneasy compromises on which they are based. From this understanding Burton notes that agreements drawn on such basis can only act as stop gap measures for parties to regroup and continue fighting.

Related to the discourse on appropriate method is the debate about the conditions that bring about successful mediation. Whereas some scholars link mediation success to any form of outcome, others contend this view and peg success to a particular kind of result least of which is any outcome. Whereas first view glorifies as successful not only the process itself but any form of agreement, the second view however, contends and goes beyond the process and the agreement. This perspective calls for an outcome that resolves the conflict. These two views imply two distinct methodologies for the management of conflict. Burton from this understanding distinguishes two outcomes one, a settlement and the other a resolution.

In the first case, parties to conflict agree on those elements of the conflict that are negotiable and reach an outcome that does not fully satisfy their expectations, demands or requirements for justice. This methodology leads to the conclusion that although a solution is

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[33]J. Bercovitch, J.T. Anagnoson, and D. Wille *"Some Contextual issues and Empirical Trends in the Study of Successful Mediation in International Relations," Journal of Peace Research* Vol. 28 (1991) pp 7-17
[34] J. Burton, *Resolving Deep-Rooted Conflicts: A Handbook* op.cit.

found the conflict remains. Settlement of conflict is thus a recipe for further conflict. The problem in this case is that the outcome is zero-sum because the gains of one party translate to losses for the other.[35] In this basis, Burton[36] rejects such outcomes and instead calls for win-win one, where all parties to the conflict win and at the same time lose. In this case the gains of one party do not necessarily translate to losses for the other and thus conflict is resolved. Advocates of conflict settlement like Bercovitch[37] however, take a contrary position to Burton's[38]. The debate notwithstanding successful mediation should contribute to the abatement or resolution of a conflict. The outcome of the Somalia National Reconciliation Conference did not necessarily reduce hostilities; it can be viewed as a settlement. The outcome of the process was perceived a favourable to the armed factions but not non-armed groups.[39] In this case, whereas the non-armed groups lost, the armed ones gained.

The mediation literature captures three main styles. Whereas Touval and Zartman[40], Bercovitch and Houston[41] think of the mediator as a formulator and manipulator, Burton[42] however, views him as a communicator. In the first cases, the mediator makes substantive contributions in contrast to the second where s/he serves only as a channel of communication. The main role played by the mediator as communicator is to ensure constructive dialogue among

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[35] Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, *Contemporary Conflict Resolution* (Oxford: Polity Press, 1999) pp.5-6
[36] J. Burton, *Resolving Deep-Rooted Conflicts: A Handbook* op.cit.
[37] Jacob Bercovitch, "Mediation," in I.W.Zartman and Lewis Rasmussen (eds) *Peacemaking in International Conflicts* (Washington DC: US Institute for Peace Press, 1997)
[38] J. Burton, *Resolving Deep-Rooted Conflicts: A Handbook* op.cit.
[39] Interview:Asha Amed Abdallah, A former TNG Minister and delegate to the Somali peace process, Nairobi, 25th,March, 2010
[40] see S. Touval and I.W.Zartman, "Mediation Theory," in S.Touval and I.W.Zartman (eds) *International Mediation in Theory and Practice* op.cit
[41] Jacob Bercovitch and Allison Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," in Jacob Bercovitch (ed) *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynn Reinner, 1996) pp.11-35;
[42] J. Burton, *Resolving Deep-Rooted Conflicts: A Handbook* op.cit.

the parties. In the third perception however, Hoppman[43] departs from the two views and instead describes the mediator as a facilitator. In the mediator's thrust is in the logistics of the negotiation process. For example, s/he collects information, sets the agenda and prioritizes the issues as well as delivering messages between the parties. The three roles underscore different activities for the mediator.

Scholars also disagree on the exact variables that bring about a successful mediation process. While proponents of one view attribute success of mediation to the mediator's person, and personality, others doubt the contribution of such idiosyncratic factors. Touval and Zartman[44] proceeding from the first viewpoint, assert that parties to a conflict must accept a mediator if mediation is to be successful. According to Ikle[45] acceptability depends on intelligence, imagination, tact and reputation, diplomatic style or other attributes. On the other hand literature challenging this premise, posits that irrespective of idiosyncratic factors, it is the skill the mediator that counts rather than personal attributes.[46] This study holds the view that both factors intertwine and significantly influence both the process and outcome as experienced during the Somalia National Reconciliation.[47]

In a departure from the analysis of the personality of the mediator a third group of literature however, associates successful mediation with the issue of timing. Zartman[48] writing about the ripe moment, argues that the problem of conflict management is one of

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[43] Terrence P.Hoppmann, *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina Press, 1996)

[44] I.W. Zartman and S. Touval, "The Role of Third Party Diplomacy and Informal Peacekeeping," in S.J. Brown & K.W. Shraub (eds) *Resolving Third World Conflicts: Challenges for a New Era.* (Washington DC: United States Institute for Peace Press, 1992) pp.241-261

[45] Fred Ikle, *How Nations Negotiate* (New York: Harperon, 1964) pp.76-77

[46] Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies, in the Sudan Conflict* ; see also Assefa Hizkia, "World Council of Churches Mediation and the Sudan Civil War, " in C.R.Mitchell and K. Webb (eds) *New Approaches to International Mediation* (New York: Greenwood Press, 1988) pp.165-166

[47] see chapter six

[48] This concept of 'Ripeness' is developed in I.W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (Oxford: Oxford University Press, 1985) and improved by in S.J. Stedman, *Peacemaking in Civil Wars: International Mediation in Zimbabwe, 1974-1980* op.cit. pp 235-237

synchronization; timing a third party's entry to coincide with the parties' readiness to compromise or negotiate.[49] Literature on ripeness defines it as a set of appropriate conditions for the successful launch of negotiations in protracted and intractable conflicts.[50] Theoretically, literature on the ripe moment, describes four sets of circumstances.[51] In his seminal work, Zartman[52] captures two conditions; the hurting stalemate and the imminent mutual catastrophe. Others are entrapment[53] and enticing opportunity.[54] The works of Zartman are improved by both Stedman[55] and Haas.[56]

The hurting stalemates are arguments that, parties seek a negotiated solution of their conflict only, when none of them envisions a successful outcome by pursuing current strategies, while costs continue to be unbearable. Reinforcing this view is the imminent mutual catastrophe, where de escalation is prompted by mutually anticipated catastrophe.[57] The acceptance of negotiation in this sense occurs when leaders on each side can no longer sustain the increasing cost of war aggravated by a looming threat.

Both the enticing opportunity and the entrapment models, depart from this view of pain and fear on the part of the parties, and instead, focus on benefits that attract leaders. A benefit-based focus enables leaders to seek alternatives rather than bank existing or anticipated costs or

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[49] see I.W.Zatman, *Ripe for Resolution* op.cit
[50] I.W. Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," in John Darby and Roger Mac Ginty, *Contemporary Peacemaking: Conflict, Peace Processes and Post- War Reconstruction* 2 edn (New York: Palgrave Macmillan, 2008) pp.22-25
[51] C.R. Mitchell, "The Ripe Moment: Notes on Four Models of Ripeness," *Paradigms* Vol.9 No.2 (1995)
[52] see I.W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* op.cit
[53] Richard Haas, (New Haven, Yale University Press, 1990)
[54] see I.W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* op.cit
[55] Richard Haas, *Conflicts Unending* op.cit
[56] Chester Crocker, High Noon in Southern Africa: Making Peace in a Rough Neighbourhood (New York: WW Norton, 1992) pp. 468-482
[57] see also C.R. Mitchell, "Ripe Moment: Notes on Four Models of Ripeness, "op cit. p.40

rewards.[58] In this regard, the ripe moment can be created by outsiders when they persuade leaders to seek alternative strategies to continued fighting in pursuit of their goals. Consequently, change, in this case, may be triggered internally or externally. While a new leadership not committed to goals or of their predecessor, may internally bring change however, externally it would be attributed to the commitment by patrons or allies to the party.[59] Apart from these the availability of new resources to construct an innovative solution or a change of priorities may also lead to ripening of the moment from this perspective.[60] Obviously critical to leaders and their followers in these two models, are the rewards on offer prior to negotiations. The biggest reward for leaders according to Crocker is the anticipation that they will continue in leadership.[61]

Besides ripeness, a further variable in this debate is willingness. According to Kleiber[62] it is not only structural conditions and perceptions that bring about changes in decisions of leaders but also willingness to de-escalate conflict. Although Kleibor captures the importance of willingness, she does not view it as an aspect of capability and capacity or what Pruit[63] terms readiness. It is this nexus with readiness that translates willingness into practical actions. Much literature exists on capability but it is largely on military capacity and logistical issues. This literature ignores the attitudes of the individuals and groups. Capacity and capability here are not

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[58] Chester Crocker, High Noon in Southern Africa: Making Peace in a Rough Neighbourhood op.cit. pp 468-482, see also Jack S. Levy, "Case Studies and Conflict Resolution," in J.Bercovitch, V.Kremenyuk &I.W.Zartman (eds) *The Sage Handbook of Conflict Resolution* (London: Sage, 2009) p.80

[59] T. Sisk, *Power-sharing and International Mediation in Ethnic Conflicts* (Washington DC: United Sates Institute for Peace, 1996) p. 84; see also M.Kleiboer, "Ripeness of Conflict: A Fruitful Notion?" *Journal of Peace Research*, Vol.31,No.1 (1994) pp. 10-16

[60] Chester Crocker, *High Noon In Southern Africa: Making Peace in a Rough Neighbourhood* op.cit. pp. 468-482, see also C.R. Mitchell, "The Ripe Moment: Notes on Four Models of Ripeness," *Paradigms* Vol.9 No.2 (1995) pp.44-46

[61] Ibid

[62] Marieke Kleiboer, "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution*, Vol.40, No.2 (1996) pp.360-389

[63] see Dean Pruitt, *Whither Ripeness: Theory? Working Paper*, No.25, Institute for Conflict Resolution George Mason University, Fairfax, 2005

necessarily narrowed to military hardware and logistics, but rather, a wider understanding that encompasses political, psychological and socio-economic factors.

1.5.3 Power-sharing

Although power-sharing is rejected as unworkable in practice, this view is misguided because it stems from a narrow understanding of the concept. Spears[64] defines power-sharing as a political practice of distributing government posts across parties or groups in contest. Considering this, Harzell and Hoddiee conclude that power-sharing is an essential component of civil negotiations. This definition arises from a traditional perspective of power-sharing. In contrast to this, the modern understanding is broader and goes beyond this narrow view. In the modern sense, power-sharing focuses not only on politics but also access to state resources and other Socio-economic aspects. Informed by the latter view, Harzell and Hoddie[65] see power-sharing as comprising aspects of security guarantees to all groups, territory and access to economic resources. This wider understanding therefore encompasses more dimensions than the traditional one. The reasoning behind the modern thinking is that the greater the number of dimensions of power-sharing specified in an agreement the more likely peaceful relations will endure. From this perspective modern approaches call for multiple aspects of power-sharing, it is this multiplicity in an agreement that injects a cumulative effect on the parties' sense of security through different dimensions that mutually reinforce.[66] For instance, political power is bolstered and durable if the military is beyond the control of any single faction. In this regard, the

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[64] Ian S.Spears, "The Problem of Sharing Power : Inclusive Peace Agreements in Africa," In Malinda S. Smith (ed) *Globalizing Africa* (Trenton/Asmara: Africa World Press, 2003) p.167; see also Caroline Hartzell and Matthew Hoddie, "Institutionalizing Peace: Power-sharing and Post Civil War Conflict Management ," *American Journal of Political Science*, Vol.47, No.2 (April 2003) pp. 318-332
[65] Caroline Hartzell and Matthew Hoddie, "Institutionalizing Peace: Power-sharing and Post Civil War Conflict Management," *American Journal of Political Science*, op.cit. pp. 318-332; see also Caroline Hartzell and Matthew Hoddie, "Civil Wars in Settlements and the Implementation of Military Power-Sharing Arrangements: The Importance of Being Earnest," Paper Presented for the International Studies Annual Association, New Orleans, 2002
[66] Ibid

possibility of one group using the threat to alter the political balance of power that exists is reduced and efforts of genuine cooperation enhanced.[67] Similarly, economic power-sharing improves the prospects of previously disadvantaged groups to accumulate resources necessary to become genuinely competitive in future electoral competitions. Proponents of power-sharing like Dupont, [68] support this view. They argue that the efficacy of power-sharing is its ability to create an outcome that restores normalcy after a conflict.[69]

On the contrary, numerous failed cases of power-sharing raise doubts on its efficacy.[70] Critics like Gurr[71] and Rothchild et.al,[72] point out that power-sharing has process related problems. While it attempts to include and accommodate everyone, unfortunately, the inclusion effort also encourages further fragmentation. As such there is a dilemma to include all but at the same time not end up with infinite fragmentation. Both exclusion and inclusion seems to have a high price for power-sharing.[73] In terms of peace processes the longer it continues, the more it stimulates fragmentation of parties as individuals work to secure a chance in the deal.

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[67] The concerned that a military coup could be used to negate a power-sharing arrangement was articulated by an opposition party member in reaction to a negotiated settlement to Burundi's civil war. In his words, "It's a question of whether this army can be trusted, given its past. They know they are close to power and can any moment launch one more coup d' etat," (see Lacey Marc, " Foreign Troops Keep Burundi's Peace," *New York Times*, New England Edition, December, 30th ,2001, A 10

[68] See Christopher Dupont, "Coalition Theory: Using Power to Build Cooperation," in I.W.Zartman (ed) International Multilateral Negotiations: Approaches to the Management of Complexity (San Francisco: Jossey Bass, 1994) pp. 148-177

[69] Ibid

[70] Licklider Roy, "How Civil Wars End: Questions and Methods," In Roy Licklider (ed) *Stopping the Killings: How Civil Wars End* (New York: New York University Press, 1993) pp. 3-19; Licklider Roy, "The Consequences of Negotiated Settlements in Civil Wars, 1945-1993," *American Political Science Review* Vol.89, No.3 (1995) pp. 681-90

[71] Robert Tedd Gurr, "Ethnic Warfare and Changing Priorities of Global Security," *Mediterranean Quarterly* Vol.1 (1990 Winter) pp 82-98

[72] Caroline Hartzell, Matthew Hoddie and Donald Rothchild, "Stabilizing the Peace After Civil Wars End: An Investigation of Some Key Variables," *International Organizations* Vol.55, No.1 (2001) pp. 183-208

[73] Caroline Hartzell and Matthew Hoddie, "Institutionalizing Peace: Power-sharing and Post Civil War Conflict Management ," *American Journal of Political Science*, Vol.47, No.2 (April 2003) pp. 318-332;see also T. Sisk, *Power-sharing and International Mediation in Ethnic Conflicts* (Washington DC: United Sates Institute for Peace, 1996); see also Caroline Hartzell and Matthew Hoddie, "Civil Wars in Settlements and the Implementation of Military Power-Sharing Arrangements: The Importance of Being Earnest," Paper Presented for the International Studies Annual Association, New Orleans, 2002

Arendt's[74] seminal work factors into this debate consociationalism. The consociationalism model befits pluralistic societies in the sense that the exercise and practice of power consensual. Different parties from this perspective share power. Arguably, this is a useful alternative to the high stake winner-takes-it-all election that may easily degenerate back into war. Beyond this, power-sharing also endears itself to mediation. Literature about the transition from authoritarianism indicates that mediation is essentially situated in a struggle between extremists and collaborators with moderates in the middle.[75] Power-sharing helps to cut a deal between them. The thrust of mediation under such circumstances is to bring about inclusivity. A common way to obtain an all-inclusive solution is the creation of a coalition. Debate on the best way to realize a coalition continues. Literature presents two views, while the process based approach aims at creating a central coalition, the structure based one aims at a grand coalition. In this case mediation efforts must focus on the moderates and collaborators as the likely deal makers at the expense of extremists.[76] By expanding collaborators through eating into moderates the capacity of extremists becomes reduced thus creating an enabling environment for coalition. This means that mediation engages factions, not whole groups. The focus on collaborators in contrast to moderates (who will agree in any event) or extremists (who will never agree) initially is important for success.[77]

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[74] Arendt Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (Berkeley: University of California Press,1968) see also Esman Milton, "Ethnic Politics and Economic Power," *Comparative Politics*, Vol. 19, No.4 (1987) pp. 395-418

[75] Chester A. Crocker, Fen Osler Hampson & Pamela All, *Taming Intractable Conflicts: Mediation In the Hardest Cases* (Washington DC: United States Institute for Peace Press, 2004) pp.167-168; see also P.Baker, "Conflict Resolution versus Democratic Governance: Divergent Paths to Peace?" in C.A. Crocker et al (eds) *Turbulent Peace* () pp. 753-764

[76] See Dean Pruitt, *Whither Ripeness: Theory? Working Paper*, No.25 op.cit

[77] Ibid

1.5.4 Somalia Conflict

Two kinds of literature would be reviewed in this section. The first illuminates the conflict itself and, the second examines efforts to resolve it. The literature in the first case spans both the pre-colonial era and the post colonial period. Pre-colonial literature raises the contention on the classification and purity of Somalis. Although current literature through genealogy establishes the Cushitic roots of Somalis on the one hand, on the other, it contends purity of the group. In the latter thinking, the literature argues that pre-colonial Somali society comprised different groups like Afar, Oromos, Bantus and Nilotes.[78]

Despite this contention, most Somali groups trace ancestral lineage to two main roots: *Sab* and *Samaale.* [79] This assertion undermines claims of homogeneity amongst the Somalis and, instead a discourse emerges which offers a window to examine the Somali conflict from an ethnic perspective.[80] Such a view informs the argument that at the basis of the Somali conflict is ethnicity.

Whereas Touval[81] who writes on Somali nationalism gives the impression of united group and thus supports the theme of homogeneity, he fails to appreciate that faced with a common enemy, any group would unite. On the contrary Samatar[82] and Hess[83] in examining the legacy of the colonial period capture the fragmentation of the Somali people into five state systems curing out of a different colonies; Britain, Italy, France, whereas some parts of Somalia were colonized

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[78] see J.H. Greenberg, "Studies in African Linguistic Classification: IV Hamito-Semitic," *Southwestern Journal of Anthropology* Vol.6 (1950) pp. 55-58

[79] see J.D. Clark, *Pre-Historic Cultures of the Horn of Africa* (Cambridge: Cambridge University Press, 1954) See also I.M. Lewis, *People of the Horn of Africa: Somali, Afar Saho* (London: International African Institute, 1955)

[80] Michael E. Brown, "Causes and Implications of Ethnic Conflicts," in Michael E. Brown (ed) *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993) pp. 4-5

[81] Saadia Touval, *Somali Nationalism: International Politics and the Drive for Unity in the Horn of Africa* (Cambridge: Harvard University Press) pp. 78-79

[82] Ahmed Samatar, *The Somali Challenge: From Catastrophe to Renewal* (Boulder: Lynne Rienner, 1994) p.111

[83] see Richard L. Hess, *Italian Colonialism in Somalia* (Chicago: Chicago University Press, 1966)

by Ethiopia. This provides a basis for arguing against the theme of homogeneity, nevertheless the differences arise out of the colonial experience.

In the post-independence literature, Drysdale and Farer[84] are pre occupied with irredentism, a theme that once again reflects unity and homogeneity. The drive to re-unite the five colonial parts under one state is informed by the assumption that the Somali are one homogenous group, befallen with the misfortune of colonial divisions. However, Lewis[85] and Laitin[86] while reviewing the domestic situation of post independent Somalia capture clan based tensions and divisions. This literature on the internal politics of Somalia reveals ethicized political competition manifested in the creation of clan based political parties. The literature therefore casts further aspersions on the homogeneity argument.

Beyond this, other literature by Samatar and Laitin analyze the degeneration of the Somali regime under Siad Barre after the coup of 1969, and its subsequent fall. This literature attempts to explain the civil war. Although Laitin et al. al.,[87] discuss the genesis of the civil war, apparently their emphasis is on only on grievances. This leaves a gap on the historical context of this conflict. This study fills this gap by establishing the link between the Somali genealogy and the civil war thus providing a much broader and enriched analysis of the conflict. Such a broad approach to understanding the conflict has implications for its management.

Since1991 however, a large portion of the literature focuses on management efforts to the Somali conflict. Literature here distinguishes three kinds of initiatives; international, regional

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[84] see John G. Drysdale, *The Somali Dispute* (New York: Praeger, 1964) See also Tom J. Farer, *War Clouds on the Horn of Africa: A Crisis for Détente* (New York: Carnegie Endowment for International Peace, 1976)
[85] I. M. Lewis, "The Nation, State and Politics in Somalia," in P.H. Gulliver (ed) *Tradition and Transition in East Africa: Studies of the Tribal Element in the Modern Era* (Berkeley: University of California Press, 1969) pp.335-362
[86] see David D. Laitin, "Somalis Military Government and Scientific Socialism," in Carl G. Roseberg and Thomas M Callaghy (eds) *Socialism in Sub-Saharan Africa: A New Assessment* (Berkeley: Institute of International Studies, University of California Press, 1979)
[87] see David D. Laitin and Said S. Samatar, *Somalia: Nation in Search of a State* (Boulder & Co: Westview Press, 1987)

and local. One of the earliest attempts was 1991 regional initiative led by Djibouti with the support of Egypt and Italy. Although the outcome declaration of Ali Mahdi interim president, it was however, contested by General Aideed, the chairman of United Somali Congress (USC). Aideed viewed this outcome as alienating him from leadership in Somalia. With the support of Ethiopia and Eritrea, Aideed successfully undermined Ali Mahdi's bid for presidency inspite of backing from Egypt and Italy. This outcome split the USC, and led to renewed fighting.

In the Addis Ababa conference the UN was assisted by USA. In the two initiatives, Ethiopia was mediator. Although the Somali National Movement (SNM) boycotted this conference the outcome led to a framework for UN action through United Nations Operation in Somalia (UNOSOM II). It also created the Transitional National Council (TNC) as a political and administrative structure in Somalia. On the basis of TNC, the UN passed resolution 814 that expanded its presence in Somalia. The mandate of UNOSOM II was to assist local Somali communities establish administrative structures at the district and regional levels, re-establish a police force and recreate the judicial systems. However, the Addis framework failed to be implemented on the basis of exclusion. The resulting tensions culminated in confrontation between General Aideed's Somali National Alliance (SNA) militia and the United Nations in 1993. Eventually, the violence finally forced the UN to withdraw its troops in 1995.[88]

1996 witnessed initiatives undertaken by Kenya, Ethiopia and Egypt. The first was in October by Daniel Arap Moi, the then president of Kenya.[89] Although a deal was brokered, between Osman Ali Atto and Ali Mahdi to pacify Mogadishu, the outcome was undermined by a parallel conference called by Ethiopia in November of the same year (1996). The Sodere conference, as the later is called, guaranteed for Somali unity, and a transitional and rotating

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[88] Ken Menkhause et.al., "The Search for Peace: A History of Mediation in Somalia Since 1988," *Center for Research and Dialogue*, 2009
[89] Ibid

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presidency.[90] However, Sodere also failed. Apart from Sodere and Moi's effort, Egypt supported by the Arab League, Libya and the Islamic Conference also hosted another conference in Cairo in December, 1997.

Although perceived as a continuation of Sodere, the Egyptian effort departed from the preservation of Somali unity and instead called for a federalist form of government. The proposition for federalism did not augur well with Ethiopia and its allies who pulled out of the Cairo conference. Before the Cairo talks collapsed, Egal and Hussein Aideed rejected Sodere and supported the Cairo Declaration which created a government in Mogadishu to be alternately chaired by the two. At the international level, both Sodere and Cairo received mixed reactions. Sodere received support from the United States and its ally Ethiopia while the Cairo Declaration was supported by Egypt, the Arab League, the Islamic Conference and Italy. Unhappy with what it deemed as USA interference in its former colony, Italy, rejected Sodere.

The Somalis on their own undertook several local initiatives like Borama, Sanag and Kismayu in 1993. These two were followed by Bardera, Galkayo and Gerowe in 1994 and 1998 respectively.[91] The internal conferences largely reconciled different clans allowing return of looted properties and creating an enabling environment for normal business. However, the most significant of these local initiatives is the one that resulted in the Hergaisa Declaration. In this case the Assembly of Elders (*Guurti*) installed an administration that continued to build its capacity.[92] By the time of the 14th Conference in 2002, Hergaisa had declared its independence. Since 1996 it has been seeking international recognition.

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90 Ibid
91 "The United Nations and Somalia 1992-1996." In *United Nations Blue Book Series*, Vol. VIII, (1996)
92 Ibid

The failure of the international efforts led by the UN is explained by several factors. Whereas some point out that the efforts failed because they were externally driven and little pressure was put on the faction leaders to honor the deals, others however, argue that the problem of Somalia was deep and protracted and therefore the UN lacked the knowledge and skill to address it. While the second view is supported by the assertion that those sent to the mission were inexperienced, the first obtains from the belief that Somalis suspiciously viewed the intention of the UN. Additionally, the competition between Italy and the USA for command and control confirmed this suspicion. A third view blames the methodology applied. Menkhaus and Prendagast[93] supporting the last position argue that diplomacy contributed to the failure through use of inappropriate strategies aimed at speeding up the revival of the state system that was originally to blame for the chaos. Above all, the failure is attributed to the fact that all these initiatives were exclusionary. They did not involve all the parties to the conflict. Lastly the initiatives were undertaken by different states and who seemed to be in competition with each other, either regionally or internally. Thus instead the efforts were not in collaboration as witnessed above. The issue therefore is to establish how ready local, regional and international efforts were.

From the review of literature the Somali peace process becomes of interest in a number of ways. First, it is one of the few protracted post cold war conflicts that has been negotiated. Secondly, instead of negotiations in the traditional sense it presents a unique case. Much literature on negotiation theory is largely based on traditional sense where governments and rebels undertake negotiations. Few negotiations involving factions alone have been studied. By examining the Somalia case and its outcome this study contributes to knowledge on the

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[93] K.Menkhaus and J. Prendergast, "Governance and Economic Survival in Post-Intervention Somalia," *Trocaire Development Review*, Dublin, 1995.pp. 47-61

negotiation process especially by shedding light on procedures that involve factions alone. The existing literature is deficient in this kind of negotiations. Additionally the Somalia National Reconciliation Conference has cost both the region and international community a fortune. Considering this expense and burden of the conflict in terms of destruction of property, loss of human life and spillover effects that have generated tensions regionally but also further afield, a study of the process is compelling in order to inform policy.

1.5.5 Selected Case Studies

Two case studies illustrate the departure from the narrow traditional perspective to the current broader view. The two indicate that the broader perspective that includes multiple power-sharing guarantee peace better than the traditional one. Although negotiated between government (El Salvador) and rebels, Chapultepec accord offers a good example of complementarity in power. Apart from guaranteeing *Frente Farabundo Marti Para la Liberacion Nacional* (FMNL) participation in civil political life, the agreement also ensured electoral and security sector reforms. In the latter case, FMLN troops were incorporated in the security forces as a measure to erode the alliance between the military and the landed oligarchy on which political power had previously rested.[94] This Chapultepec accord is an example of broader perspectives of power-sharing.

In the same vein, in 1996 peace agreement between the government of Philippines and the Moro National Liberation Front (MNLF) also included multiple power-sharing provisions. The agreement created a Special Zone of Peace and Development (SZOPAD) to guarantee autonomy and also integrated 7,500 MNFL militias into the national army. In this regard, the MNFL did not

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[94] Jack Spence, George Vickers, Margaret Popkins, Phillip Williams and Kevin Murray, *A Negotiated Revolution? A Two Year Progress Report on Salvadorian Peace Accords* (Cambridge: Hemisphere Initiatives, 1994) p.15;Jack Spence et al., *Chapultepec Five Years Later* (Cambridge: Hemisphere Initiatives, 1997) pp 36-37; see also see also Henri Boshoff and Waldemar Very, " A Technical Analysis of Disarmament, Demobilization and Reintegration: A Case Study From Burundi," *ISS Monograph Series*, No. 125 (2006) pp.1-65;

rely on territorial autonomy alone as a guarantee but, also insisted on and the provision of resources by the state to SZOPAD and a referundum.[95]

The second group of case studies provides a basis for reviewing the negotiation process. First they are indicative that negotiations have been used to end civil wars in Mozambique,[96] South Africa,[97] Uganda,[98] and Zimbabwe.[99] Whereas in all these cases there was a government side negotiating with rebels, in the Somalia case there was no government side.

This thesis fills the gap in the literature on conditions that contribute to successful negotiations amongst factions. By engaging in an in-depth study of the Somali National Reconciliation process of 2002-2004, it examines such conditions. It examines such conditions in terms of originality, this thesis contributes to power-sharing by focusing on the 4.5 clan formula that informed the Somalia power-sharing. In the same vain the formulae points to a unique manifestation of ethnicity (in the form of clanism). Above all, this thesis shows that power-sharing through creation of coalition governments is tricky if not handled by skilled mediators. In this sense, the thesis asserts the role of willingness and readiness in negotiations.

1.6 Theoretical Framework

The occurrences after the end of the cold war, especially in conflict begs the question what is new and what is constant[100] In Somalia, the participation of none-state actors made it highly unlikely that the institutional military leaders and political elites could be in control of such

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[95] Caroline Hartzell and Matthew Hoddie, "Institutionalizing Peace: Power-sharing and Post Civil War Conflict Management," *American Journal of Political Science*, op.cit. pp.318-332

[96] Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of Sant Egidio," in C.Crocker et.al.,(eds) *Herding the Cats: Multiparty Mediation in a Complex World* (Washington DC: US Institute for Peace Press, 2003) pp. 264-370

[97] Timothy D.Sisk, *Democratization inS.Africa: The Elusive Social Contract*, 3rd, edn (Princeton: Princeton University Press, 1995)

[98] M.Mwagiru, "Internal Conflict and the Process of Mediation: The 1985 Ugandan Peace Process, " *East African Journal of Peace and Human Rights*, Vol.3,no.2 (1997) pp.171-187

[99] S.J.Stedman, *Peacemaking in Civil Wars: International Mediation in Zimbabwe*, 1974-1980 op.cit.

[100] see R. Jevis, "The Future of World Politics: Will it Resemble the Past?"*International Security*, Vol.16 (1991-1992) pp.39-73. See also Serfarty, "Defining Moments," *SAIS Review* Vol. 12 (1992) pp.51-64

forces.[101] The change reflected the emergence of intra-state; inter sectarian collusions that restructured the nature of conflict.[102] It is highly unlikely that institutional military leaders and political elites control such forces.[103] In this regard, two competing paradigms of International Relations give conflicting explanations. Whereas realism takes the state as a unit of analysis, world society rejects this and instead focuses its analysis and the pattern of interactions.[104] This approach not only sires adequate explanation to different levels but also goes beyond one level, say, inter-state relations.[105] While Deutsch[106] and Morgenthau[107] hold a realist view, Vasquez,[108] Keohane and Nye[109] acknowledge the inadequacy of a realist perception. Beyond this, Fukuyama[110] and Kegley[111] point at the glaring poverty resulting from the explanatory failure of realism especially after the cold war.

From this understanding the analytical thrust of such conflicts proceeds in this case from the belief that the distinction between state and non-state actors is either too thin or does not exist at all, a view upheld in literature by Burton.[112] Acknowledging the difficulty in separating the

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[101] Sanam Anderlini & C.P Conwell, "Disarmament Demobilization and Reintegration," *Security issues: International Alert* (2004) pp. 1-8
[102] T.H. Moran, "International Economics and US Security, " in C.W. Kegley Jr. & E.R. Winthrop (eds) *The Future of American Foreign Policy* (New York: St. Martin's Press, 1992) pp.307-318
[103] Wallace Warfield, "Moving from Civil War to Civil Society," *Peace Review*, Vol.9, No.2 (1997) pp.249-254
[104] see J.W. Burton and F. Dukes (eds) *Conflict Readings in Management and Conflict Resolution* (London: Macmillan, 1990)
[105] A.J.R. Groom, "Paradigms in Conflict: The Strategist, the Conflict Researcher and the Peace Researcher," *Review of International Studies,* Vol.14, No.2 (April 1988) pp. 97-115
[106] Morton Deutsch, *The Resolution of Conflict: Constructive and Destructive Processes* (New Haven: Yale University Press, 1973) see also Morton Deutsch, "A Theoretical Perspective in Conflict and Conflict Resolution, " in D.J.D Sandole & I. Sarotse Sandole (eds) *Conflict Management and Problem-Solving: Interpersonal to International Applications* (New York: New York University, 1987)
[107] Hans J.Morgenthau, *Politics Among Nations: The Struggle for Power and Peace,* 6th edn (New Delhi: Kalyan Publishers, 2004) pp.4-5
[108] see J.A. Vasquez, *The Power of Power Politics: A Critique* (New Brunswick: Rutgers University Press, 1983)
[109] R.O. Keohane & J.S. Nye, "Neorealism and Neoliberalism," *World Politics* Vol.40 (1988) pp.235-251
[110] F. Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992)
[111] C.W. Kegley jr., "The Neoidealist Moment in International Studies: Realist Myths and the New International Realities, " *International Studies Quarterly* Vol. 37 (1993) pp.131-146
[112] see J.W. Burton *Conflict and Communication: The Use of Controlled Communication in International Relations* (London: Macmillan, 1996)

two, he concludes that the whole idea is misleading, and proposes the other nature offered by world society.

This approach enables a systemic view of conflict that brings out both internal and external threads. Because the Somali conflict knits beyond the boundaries of Somalia, its regional and international implications must be factored into its analysis. From this understanding a narrow approach to its management that ignores this systemic view would be disastrous.

The world society and conflict research, approach conflict management by trying to analyze and explore sources and root causes of conflict. In this regard the two encourages parties to discover and address the sources of conflict to ultimately reach a long term solution. In view of this conflict research recommends problem solving workshop as a tool for resolving conflicts.[113] Consequently by examining and dealing with the context of the conflict, the method contributes towards the attainment of peace by exposing those structures that are responsible and once dismantled, the parties are able to restore durable peace. Burton[114] a proponent of this approach pinpoints that the imperative to war does not come from the nature of the state or its external relations but from the way in which its environment acts on the individual. Violence in this case can be avoided if the environment and peoples' perception change.[115] The world society adds value to this understanding conflict by shedding light on the influence of perceptions in conflict. In this way it opens up linkages at the regional and the international levels of

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[113] see M. Light, "Problem Solving Workshops: The Role of Scholarship in Conflict Resolution," in M. Banks (ed) *Conflict in World Society: A New Perspective on International Relations* (Brighton: Wheatsheaf, 1984) pp.146-160
[114] see W.J. Burton, *World Society* (London: Cambridge: Cambridge University Press, 1972)
[115] see John Burton, *Violence Explained* (Manchester: Manchester University Press, 1997)

conflict.[116] Although the linkage between domestic and international conflict remains obscure, if this dichotomy is drawn then management of conflict becomes piece meal and therefore limited.

A second aspect of international context that might influence mediation outcomes are events or conflicts that take place at the same time. Economic political pressure exercised by other powerful parties with a stake in the outcomes of conflict may encourage as well as frustrate conflict management efforts. In this regard, Assefa acknowledges governments of countries in civil wars are pressured by their neighbours who are bothered by streams of refugees.[117] From this perspective, Kreisberg[118] argues that in so far as a particular conflict salience declines when other fights become of greater importance to one or more of the adversaries, de-escalation is more likely to occur.

The outcome of mediation is contingent to both contextual and process variables; thus the behaviour or activities of the mediator. Mediator behaviour is viewed in terms of strategies and specific tactics techniques.[119] Mediator involvement is between passive to active. In mediation literature, two classifications of strategies emerge. Kressel [120]discerns three categories of strategy: reflective behaviour, non-directive behaviour and directive behaviour.

Reflective strategies are the most passive; entailing activities by which the mediator seeks to familiarize with the dispute and to establish the ground work upon which later actions would be built. The purpose of such strategies therefore, is to reduce the degree of complexity and uncertainty inherent in any international conflict by producing knowledge and information about

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[116] see J.W. Burton., *Global Conflict: Domestic Sources of International Crises* (Brighton: Wheatsheaf, 1984) pp
[117] Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies — The Sudan Conflict* (Boulder, CO: Westview Press, 1987), pp. 7-. 2.
[118] Louis Kreisberg, and Stuart J. Thorson (eds) *Timing the de-escalation of International Conflicts* (New York : Syracuse University Press, 1991) pp 20
[119] Ibid
[120] K. Kressel and D. Pruitt "Conclusion: A Research Perspective on the Mediation of Social Conflict," in K. Kressel and D. Pruitt (eds) *Mediation Research: The Process and Effectiveness of Third –Party Intervention* (San Francisco: Jossey Bass) pp 394-435

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the conflicting issues and parties. In this case, the mediator tries to achieve some convergence of expectations by reducing distortions, ignorance, misperceptions, or unrealistic intentions. [121]

Non-directive behaviour is more proactive and involves efforts at increasing the chance that the parties themselves with minimum help from the mediator, and will arrive at a mutually acceptable solution to their conflict. The mediator may control publicity, the conflict the conflict management environment (choosing central venue) and resources (such as number and identity of the parties) to affect the structure of the mediation. Directive behaviour involves strategies by which the mediator actively encourages specific solutions or seeks to manipulate the parties directly with ending the dispute. Directive behaviour often takes the form of offering proposals or recommendations and exercising direct pressure. Touval and Zartman[122] reflect the strategies in three distinct mediators:

- The mediator as communicator;
- The mediator as formulator; and
- The mediator as manipulator.

A communicator is a passive conduit and repository who maintains communication contact between the parties in conflict. In this regard, the mediator may acts as a go-between carrying information, proposals or concessions back and forth between the conflicting parties. This is a reflective strategy formulation however, is a more active role in which the mediator is capable of innovative thinking and helps the parties to redefine issues or to find a formula for resolution. In manipulation, the strategy is non-directive, the mediator may use leverage to push the parties into agreement. In this situation the mediator uses a directive strategy.

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[121] Ibid

[122] See I.W. Zartman *Ripe for Resolution: Conflict and Intervention in Africa.* (New York: Oxford University Press 1985)

Bercovitch, Anagnoson and Wille [123] analysed empirically the relations between mediator strategies and mediation success and concluded that directive mediation strategies are more effective in international mediation because it affects and can be responsive to a wider variety of dispute situations than non-directive strategies. Kochan[124] gives a caveat that premature use of directive strategies is not without risks, it may ruin the mediator's credibility and accessibility. In his view, when conditions are not ripe a mediator should refrain from directive or aggressive tactics.

The study uses several theories to analyze the case study. The Somali conflict was a protracted internal problem and not an interstate one. Since a realist perspective would not capture internal issues, reference therefore is made to the world society as a better tool for analysis. This approach captures the underlying sources of conflict thus better in forming a management strategy. The world society knits together the internal, the regional and international dynamics. This theoretical framework enables the analysis of the actors within the Somalia especially if one argues that the state collapsed after Siad Barre in 1991. The theory thus enables an analysis of the internal dynamics of the conflict and its management.

1.7 Research Methodology

This section describes the research design and methodology. It describes the methods of data collection from different categories. It explains the data process analysis and how the answers to the research questions were attained. Apart from that, the section also describes the target population, sampling, design and procedures, types of data, research tools for data collection and data analysis techniques and interpretation.

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[123] J. Bercovitch, J.T. Anagnoson, and D. Wille *"Some Contextual issues and Empirical Trends in the Study of Successful Mediation in International Relations," Journal of Peace Research* Vol. 28 (1991) pp 7-17
[124] T.A. Kochan & T. Jick, "The Public Sector Mediation Process: A Theory and Empirical Examination," *Journal of Conflict Resolution* Vol.22 (1978) 209-304

This study was naturalistic.[125] This means data was collected through observation as the event took place. It main goal was to try and describe the Somalia National Reconciliation process held in Kenya between 2002 and 2004. The object of the study grew out of the need to describe, analyze and understand the Somali National Reconciliation process as it took place. The study was an observation of one case, making it a case study. The view that case studies are phenomenon for which only a single measure on any pertinent variable is reported or interpreted has been discarded recently. Rather, current thinking perceives it as a class of events in which an investigator builds generic knowledge for theory development.[126] Although, a case study is an example of a historical instance, at the heart is a selected analysis rather than the event itself.[127] The study on Somali National Reconciliation conference was an example of a historical instance comprising many classes of events; decision making, negotiations, diplomacy and alliance, leadership and peace agreements just to mention a few. The question posed is, "what is this event a case of?" In this case, it was considered a case of the wider Somalia Reconciliation and negotiation process. The researcher therefore, chose to highlight the negotiation process of their wider Somali National Reconciliation as manifest in the 2002-2004 Peace Conference.

1.7.1 Research Design

The study targeted the Somalia National Reconciliation and proceeded from the belief that it is a deviant or outlier case. The evaluation of the case was based on observation and reports about the peace process from which inferences were made. This follows the fact that the negotiations involved factions alone. The case was therefore, useful in identifying and more so explaining the circumstances under which successful negotiations occur among factions. These

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[125] Paul A.Ogula, *A Handbook on Educational Research* (Nairobi: New Kemit Publisher, 1998)
[126] Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in Social Sciences* (Massachusetts: MIT Press, 2005) pp.17-18
[127] Ibid

two and three looked at the actual negotiation and post negotiations respectively. However, because case selection was based on preliminary knowledge of the case by the researcher the problem of bias emerged. This problem was addressed by referring to other studies done by scholars like Stedman,[128] Mwagiru,[129] and Bartoli[130] among others with a view to creating generic knowledge for generalization. Since a case study is a way of organizing social data for the purpose of viewing a social reality elements of both quantitative and quantitative design were incorporated, sampling procedures and data collection. Thus the study remained largely qualitative quantitative techniques were used to strengthen it.

Research was conducted based on three phase structure of the peace process. In phase One, the study focused on the analysis of the pre-negotiation process while phases in Two and Three it examined the actual negotiation and post-negotiation respectively.

For purposes of data collection and interpretation a distinction between the stages of the process in Eldoret and Nairobi (Mbagathi) was created. This meant that there were two sites for data collection. Both sites (Eldoret and Nairobi) were accessible to the researcher who was a staff member in the IGAD led peace initiative from 2002 to 2004. Data from the case study, focused on the internal, regional and international dimensions of the conflict and its management. Consequently, these three levels were used as units of analysis. At each level the actors, issues, interests and positions taken were carefully evaluated. The regional level data brought to bear a critical examination of regional institutions in conflict management. This data reflected the regional political, economic and security dynamics and how it impacted on

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[128] see Stephen J. Stedman, Peacemaking in Civil War: International Mediation in Zimbabwe, 1974 -1980 (Boulder: Lynne Reinner, 1991)
[129] see Makumi Mwagiru, "Internal Conflict and the Process of Mediation: The 1985 Ugandan Peace Process," *East African Journal of Peace and Human Rights* op.cit. pp. 171-187, see also Makumi Mwagiru, *Conflict, Diplomacy and Mediation in Uganda* (Nairobi: IDIS & Ngatho Publications, 2004)
[130] see Andrea Bartoli, "Mediating Peace in Mozambique: The Role of the Community of St.Egidio," in C.Crocker et.al., *Herding the Cats: Multiparty Mediation in a Complex* World op.cit

Somalia. Equally, this data helped in explaining the structure of multi party mediation. Coupled with this data from the regional and the international level gave useful information on the link between domestic and international levels thus providing the framework for the role played by regional and international actors in the Somali conflict.

1.7.2 Target Population

This study targeted the members of different delegations, officials representing different factions, clans, organizations and states, as well as other groups with interests in the Somali National Reconciliation Conference. Additionally, it examined IGAD and other international, regional and sub-regional institutions involved in the Somalia conflict and its management..

1.7.3 Description of the Sample and Sampling Procedure

Sampling in research is conducted in order to permit a detailed study of part rather than the whole of the target population.[131] From a representative sample, a basis for generalization about the whole population can be construed. The study targeted 30% of the original delegates. In this regard, 90 people were used to represent the entire population of the Somali National Reconciliation conference delegates. The sample was obtained using simple random and purposive sampling. Simple random sampling is the process of selection from the population that provides every unit of a given size an equal probability of being selected. The researcher first stratified the delegates according to gender, region, faction and clan. Delegate's names were obtained from the lists provided about delegations, factions and clans and numbers were assigned to the names. The numbers were rolled up and put in a small container, shuffled and 45 delegates were picked at random. Factional leaders were selected using simple random sampling techniques where lottery technique was used. Yes/No was written on pieces of paper, folded and placed in a container. Those faction leaders who picked yes were sampled into the study.

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[131] Paul A.Ogula, *A Handbook on Educational Research* (Nairobi: New Kemit Publisher, 1998)

However, state and organizational representatives like the special envoys and diplomats were purposively sampled.

Some faction leaders were however, not necessarily sampled randomly they were instead, also purposively selected on the basis of offices held or the influence they had on an issue or event. Although sample in this case was not representative, nevertheless, the data obtained was enriching since it gave a different perspectives on an issue or event. Additionally, maximum variation sampling method was also used. This helped in gathering data involving extremes thus resulting in widest viewpoints. Coupled with this, the deviant case sampling helped to bring to bear in the study, unusual aspects like minority opinions. Lastly but not least convenient sampling captured views of actors based on criteria used in selecting them.

1.7.4 Types of Data and Research Instruments

The distinction created between the stages of the process held in Eldoret and those in Mbagathi, Nairobi helped to make more meaning to the data. Themes like continuity and diplomatic momentum were also captured as a way of easing the analysis of the data. Some of the themes used included decision making, gender, interests, positions, context, needs and demands and attitude.

The research used both primary and secondary data. Secondary data on its own was insufficient since some aspects of the peace process had not been published. This necessitated the collection of primary data.

The first hand information obtained was used to corroborate and authenticate the secondary data. Although, some interviewees were identified through purposive sampling, others were obtained by random sampling. Methodologically, purposive sampling is considered weak, nevertheless it was useful in obtaining information from key informants like practitioners,

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experts in conflict management, parties to the conflict, and scholars of conflict. Key informants were a select few who participated and held specific positions like the special envoys and experts in various areas.

Secondary data was obtained from the analysis of both published and unpublished materials. Apart from books, journals, newspapers and other publications, reference was made to other documents of the Somalia National reconciliation Conferences. These included documents such as communiqués, statements, official letters, official records and record summary of meetings, background papers (briefs), minutes and reports, speeches given by different officials, official decisions, agreements, and list of delegates among others.

1.7.5 Description of Data Collection Procedures

The mixed method approach adopted involved employed the following instruments: interviews, observation and content analysis. In addition to these, focused group discussions were also used.

Interviews were conducted. Interviews guides with open ended questions were employed to obtain in-depth information from key informants like faction and opinion leaders, senior officers among others. Observation guides were used to gather data during plenary sessions and some official meetings. The interviews came in handy in instances that were informal but this is not to deny that no formal interviews were conducted.

The research got permission from the University of Nairobi to carry out the research. The researcher notified a few factions and delegates among others in the population to be researched on. This was meant to solicit support from opinion leaders in order to ease the data collection process.

In terms of interviews, the researcher sampled the population as noted earlier. Although methodologically, purposive sampling is considered weak, nevertheless it was used to obtain information from key informants. These were only a few people who participated and held specific like being special envoys, experts in various subject areas.

Through interview guides, the interviewees' responses were recorded from the delegates as the researcher sough information on activities and participation in the peace process. From the staff, the researcher sought information on identifying of the delegations, the challenges that were faced in bringing them to the venue and the procedures of the peace process.

Non-participant observation captured useful data in identifying specific behaviours and characteristics of the delegates and officials during interactions. This helped the researcher gain information about the intricacies of the peace process within official settings. This procedure helped to collect data on factors that were hindering the effectiveness of the negotiation process. Some of the factors considered included characteristics of the faction leaders, skills of the mediator and the process in general. Participant observation gave access to information within informal settings where the researcher gauged the responses to certain decisions, events and communication. Primary data obtained from interview guides included the transcripts of interviews and from observation schedules were records of observation.

Secondary data obtained through content and document analysis largely helped the researcher problem and to acquaint the researcher with the study area in terms of issues involved and the theoretical discourses.

In this case, a document analysis guide was created. The guide helped in gathering information in nature of delegations, representation, decision of states and their interests, pronouncements, certain demands, discussions on different issues, agreed positions or proposals

on an issue and policy decisions. This information was obtained through the analysis of documents, speeches, communiqués, official statements, letters, and records of governments, official decisions, and agreements.

1.7.6 Validity and Reliability of the Research Instrument

Validity and reliability are important more so in qualitative research. Critics of inductivism argue that it is not possible to generalize from a case study unless where one observes multiple cases. It is only under those circumstances that one can really draw reliable generalizations about an event.

Validity refers to the extent to which a research instrument measures what it is designed to measure.[132] To ensure that the instruments were valid and, that they measured what they were designed to measure, the researcher worked with experts in research. The experts examined the contents of the instruments. Peer review was used to enhance face and content validity. Suggestions made were used to improve the instruments. Source instruments and method triangulation helped to increase validity.

The research instruments were also first piloted. To do so the researcher ensured that participants and cases with similar characteristics were tested and the same procedures used in administering the instruments. This helped in identifying ambiguity and ascertaining the appropriateness of the method in data analysis. In this case although this study is a single case it also drew from other similar case studies done in Africa and elsewhere. By taking into consideration these other cases done by other scholars the researcher essentially created a generic base for multiple observations. It is this generic base that enables generalizations to be made.

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[132] See Paul A.Ogula, *A Handbook on Educational Research* (Nairobi: New Kemit Publisher, 1998)

Reliability on the other hand refers to the extent to which a research instrument yields measures that are consistent each time it is administered to the same individuals. Kerlinger[133] defines reliability by giving it different synonyms: dependability, predictability, stability, consistency and accuracy.

To test the extent to which the research instruments would yield consistent results after repeated trails, split half technique was used. The researcher sampled the items from the domains that measure the variable and then administered the total test to the appropriate group.

1.7.7 Description of Data Analysis Procedures

The basis of data analysis was the research questions. After categorizing the research instruments into homogeneous groups, the researcher sorted and sifted through qualitative data and materials in order to identify patterns and themes. These patterns and themes were categorized according to the research questions and narrative written based on the themes and contents of direct speeches, reports, press releases, communiqués, minutes of meetings and other documents of the peace process.

The analysis of data was qualitative. It involved the use of both content and narrative analyses. The two modes had the advantage of being flexible with written and oral communications. Employing them enabled the researcher to have a broader thematic understanding of the conflict and peace process. In this regard the researcher was able to address the questions of what was said, who said it and to whom it was said. However, unlike content, the narrative analysis captured not only what was said but also the meaning behind it. In addition narrative analysis reflected the emotional and non-verbal behaviour. Although, useful this method had one drawback stemming from its reliance on the interpretation of the parties and the researcher. This danger towards bias was overcome through a comparison with other data.

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[133] See Fred N.Kerlinger, *Foundations of Behavioural Research* 3edn (Fort Worth: Holt Rinehard &Wilson, 1986)

Content analysis was largely done through two approaches. Within case analysis and Cross case analysis. Within case analysis approach helped the research to find new variables in aspects of the case study.[134] Cross case approaches helped in capturing different aspects by comparing different perspectives drawing from other cases and conclusions from other cases of other scholars.[135] From this understanding the case study provides a heuristic advantage from which new variables and hypotheses can be constructed.[136] Within-case analysis and the Cross-case analysis strengthened the analysis of data by providing the researcher with the opportunity to simultaneously examine both internal dynamics of the single case and at the same time do a comparison with other small cases. This approach resulted in generic knowledge that became useful for generalizing.

In adopting the worldview model of narrative approach the researcher sought to understand the interpretation context that encompassed a multidisciplinary perspective. The world view model brought out the orientation of the person. In this regard explanations obtained not only captured the event both from an individual's but also public perception. While the individual domain reflected the individual's world view of the event, the feelings about the event and the resultant behavior, the public perspective explained the event in relation to the individual's place in it. The implication for this in the study is that the researcher was able to capture the narrator's closeness to the conflict as discerned from the voice and tense used to narrate the event. In this sense, the timing came out of the story's tense; past, present or future. This meant that interpretation of the stories relied on various tools like the source of the story, the parties, issues, tactics, and changes in roles, outcomes and winners.

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[134] Alexander L.George and Andrew Bennett, *Case Studies and Theory Development in Social Sciences* op.cit pp. 17-18
[135] Ibid
[136] Ibid

For purposes of interpretation of the process, a structured approach that examined various stages and phases of the peace process as case studies was used. This helped with not only a close scrutiny of each stage but also allowed a comparison to be drawn between stages and other cases. The structured focused study brought maximum gain theoretically from the case studies. In this regard the main focus was on the lacuna between the process, outcome and implementation. While examining the various phases of the peace process, the interplay of various levels of analysis was considered.

During observations events and their descriptions were recorded in nature from and later expanded into analytical memos that were used to write thesis.

In other observations themes were used and this eased the analysis of data. Some of the themes identified included, decision-making, gender interests, positions, context, needs, demands and attitude. These themes helped to make more meaning to the data.

In-depth unstructured interviews, gave rise to records that led to transcripts. These were later transcribed into analytical memos.

1.8 Chapter Summary

Chapter one, gives a background to the Somalia Peace Process. By reviewing relevant literature on negotiations the gap in which the theoretical frame of analysis in the study is captured and the methodological approach determined. The chapter proceeds to view some of the issues raised in the literature and sets objectives for analyzing the problem stated based on the lacuna found in the literature.

Chapter two provides an overview of Somalia Conflict building on some of the issues raised by the literature review. By analyzing in detail historical, geographical and other factors the chapter explains the genesis of the conflict. It illustrates the interplay of all these factors in

the causation of the conflict which at the same time informed the strategy for the management process.

Chapter three brings to bear theoretical considerations that tie up the whole thesis together. It sets the criteria for analysis, explanation and interpretation of the Somalia National Reconciliation Process with a view to highlight key circumstances and conditions that are important when dealing with conflicts of this nature. The chapter is concerned with offering plausible and coherent descriptions that help clarify the thinking behind the negotiation process. In a nut shell the chapter clarifies gives the theoretical perspective of the conflict and the mechanisms for managing it.

While chapter three was purely theoretical, chapter four begins an examination of the actual practice by reviewing the pre-negotiations. It outlines the initiative of IGAD and the preparations and challenges that were faced consequently. The chapter describes how the Technical Committee embarked on the pre-Conference preparations by undertaking field missions to Somalia and the region. The chapter raises issues on how the preparation would have been done through its analysis. Chapter five continues with an in-depth description of the actual negotiations held in Eldoret. The phase focused on an analysis of the theory and practice of negotiations. The chapter describes the work of the six committees and how they did their job. The purpose of the committees was to negotiate the six issues that were identified as having caused the Somalia conflict. Some of the issues relate to those raised in chapter two.

Chapter six examines the second part of the negotiations held at Mbagathi in Nairobi. It focuses on the plenary discussions of the committee reports. It highlights the problems and sets the tone for IGAD's mediation process. The chapter captures IGADs shuttle diplomacy and ends with an analysis of the leaders Retreat at Safari Park hotel. The analysis reveals weaknesses of

both the process and mediation team. The chapter concludes with discussions about international intervention in the process and its impact on the dynamics and script of the mediation in relation to the final outcome reached.

Chapter seven examines the whole peace process with a view to question the theory and practice seen in the interactive in chapter one, chapter three and the practice in chapter four five and six. The chapter endeavours to explore the discrepancy in theory and practice with a view to offer an epistemological but also an ontological explanation. The chapter also looks at the issues raised in chapter one and two and critically reviews how the process of negotiating them was done. The chapter comes up with explanations of success or failures.

Chapter eight gives a summary of the findings on the basis of literature reviewed, the methodology used, the objectives and questions raised by the research. It offers a conclusion into the Somalia peace process, its outcome and suggests areas of further research.

CHAPTER TWO

AN OVERVIEW OF THE CONFLICT IN SOMALIA

2.1 Introduction

Chapter one outlined the theory, methodology and research problem of this study. The issues raised were captured to some degree in the literature review. This chapter and the subsequent ones will develop these issues further and offer explanation. The aim of the chapter is to examine history and other factors in order to trace the genesis of the Somali conflict. This will help to highlight the issues and the causes of the conflict. This chapter is informed by the belief that, these conditions each contribute on their own merit to the conflict map, of Somalia and the region. The analysis therefore begins with an assessment of the history and geography of Somalia as a foundation for the conflict.

In the case of Somalia factors like geography are significant. The geographical location of Somalia in a low rainfall belt leads to conditions of drought and that render its environment competitive in terms of resources. Additionally, while circumstances like migrations and settlements contribute to long-term structures like clan affiliations, geographical ones lend credence to economic differentiation. It is important to acknowledge that geographical and historical factors per se do not lead to conflicts, indeed a second set of circumstances have to intervene.

Historically, a scrutiny of pre-colonial, colonial and post-colonial periods along with an examination of geographical conditions explains the context of the conflict in Somalia. Such scrutiny provides a broad search for answers that may unearth hidden factors behind this protracted conflict. Besides offering a complete picture, understanding the context of a conflict

helps in the formulation of relevant resolution strategies. The context also introduces a wide range of issues that must be addressed when resolving any conflict.

One of the underlying sources of conflict in Somalia is tied to the location and geography of the country. Somalia sits between longitude 41° East and 51° 24″ East and latitude 12° 00 north and 1° 40 ″south that falls within a dry belt.[1] Consequently, 2% of Somalia's land mass is arable. A large portion of this arable land is found around rivers Shabelle and Jubba.[2] The other 98% of Somalia's landmass receives unreliable rain and can only support livestock.[3]

In this sense, Somalia experiences a harsh climate which over the years has led to problems based on usage, access and control of resources. Unpredictable rainfall patterns aggravate the pressure for water and grazing land.[4] Competition for pasture therefore increases among the various nomadic groups as they move around looking for grazing land and water.[5] Pastoralists like the *Hawiye, Darood* and *Dir* compete among themselves and with other non-pastoralists for these resources.[6] Sometimes confrontations emerge based on obsession with territoriality and a feudal vision of the exercise of power. In this regard Somali clan mentality is that each clan occupies a particular area for which it lays claim to land.[7] Apart from Somalia, these conflicts about territoriality have implications for the stability of the region.[8]

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[1] "An Atlas on Somalia" *UNDP Data Information Management Unit, 2004.* See Map Annex 2a

[2] See "Thematic Data: Socio-Economic Survey 2002 on Somalia" Report no. 1 *Millennium Development Goals Report, UNDP 2004.*

[3] Interview: Mudhane Deqa Ujoog, Delegate, Member Committee Three; Land and Property Rights, Mbagathi, 25th, May, 2003

[4] Ibrahim Farah et al, "Deegan, Politics and War in Somalia" in Jeremy Lind & Karthryn Sturman, (eds) *Scarcity and Surfeit: The Ecology of Africa's Conflicts* op.cit. pp.321, 331-333.

[5] see *Human Development Report, UNDP Somalia,* 1998, p.23

[6] Ibrahim Farah et al, "Deegan, Politics and War in Somalia" in Jeremy Lind & Karthryn Sturman, (eds) *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Pretoria: Institute of Security Studies, 2002) pp.321, 331-333

[7] Ibid.pp. 340-341

[8] Refer to Chapter Four

2.2 Migration and Settlement

The historical context is dominated discussions about the nature of the Somali society. In this case two contradictory perceptions emerge. While one holds that the Somali society is homogenous, the other contends. Deriving from the first perception is the belief that the Somalis speak the same language, have same culture and religion.[9] This view propagates homogeneity. Additionally, this view is also premised on political propaganda introduced by the Barre regime when it launched scientific socialism, as an ideology to promote national cohesion and to fight clanism.[10] However, the viciousness and brutality of the inter-clan wars raised doubts about homogeneity. In addition, this view ignores the fact that Somalis speak two dialects. Whereas the *Sab* comprising *Digil* and *Mirifle* speak *"Maay"*, those of *Samaale* origin are *"Maxatiri'* speakers.[11] Despite this apparent homogeneity at the national level, the society is divided into clans to which each Somali pledges strict loyalty. A clan can be understood as a group whose members have a common ancestry through lineage and occupy a territory.[12] This definition underscores the importance of the clan within the Somali society. In this case the clan is not only an important unit socially but also politically.[13] In this regard Somalis closely their identity to different clans which both individuals and groups use as vehicles for obtaining political stakes.

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[9] Michael E. Brown, "Causes and Implications of Ethnic Conflicts," in Michael E. Brown (ed) *Ethnic Conflict and International Security* op.cit. pp. 4-5

[10] Committee Six Report on Conflict Resolution and Reconciliation p.5.

[11] Article 7 of the Somali Transitional Federal Charter recognizes *Maay* and *Maxatiri* as the two official languages. *Document of the Somalia National Reconciliation Conference,* Nairobi, September 2003.

[12] "The United Nations and Somalia 1992-1996." In *United Nations Blue Book Series,* Vol. VIII, (1996) p.9; see also Miriam Arif Gassim, *Somalia: Clan vs. Nation* (Dubai: UAE Sharjah, 2002) pp.5-8

[13] Ibid.pp.5-8

Figure.1, below, shows the division of the Somali society into its different clans and sub clans

Fig.1 Genealogy of Somali clans

DIGIL	HAWIYE	DAROOD	DIR/ISSAAQ	MINORITIES
Tunni	Mudulood	Harti	Gurdebusi	Arabs Bantu Nilote
Geledi	Habrgidir	Absame	Surre	Benadir
Jiddo	Hawadle	Marehan	Wardy	
Shancalemo	Galjeel	Lelkase	Reer Awsaid	
Begedi	Silcis	Awrtable	Bimal	
Garre	Wadalan	Madalug		
Dubare	Duduble	Isse		
		Bajamaal		
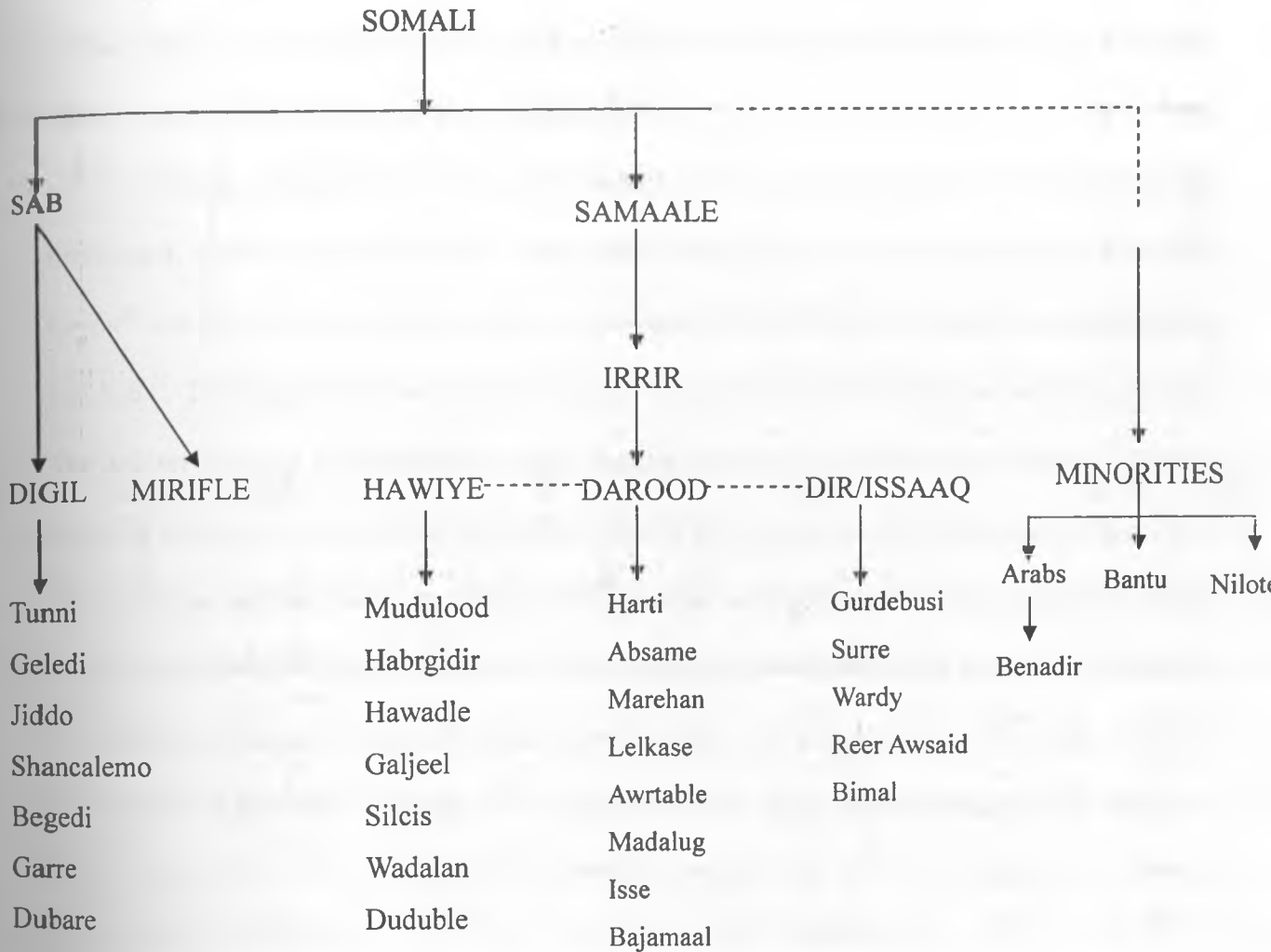
Source: *I.M. Lewis modified using organograms from the peace process, 2004*[14]

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[14] Refer to copies of clan organograms, *Document of the Somalia National Reconciliation Conference*, 2004; An interview with Mudhane Ali Sheikh Mohamed Nur, Nairobi, 3rd April, 2010 helped to construct other parts of this genealogy.

The diagram above identifies the four main Cushitic Somalia clans as *Digil Mirifle* and *Hawiye, Darood* and *Dir/Isaaq* linked to *Sab* and *Samaale* ancestry respectively. However, minorities are different and have different ancestral linkages.

Different scholars have attempted to reconstruct the genealogy of the Somali people. In this regard, notable ones are Touval,[15] Brockman,[16] Hunt[17] and Lewis.[18] According to Touval,[19] Lewis[20] and others the Somalis have four major clans derived from two ancestral stems; *Samaale* and *Sab*.[21] The *Samaale* divide into three major clans namely *Hawiye, Darood* and *Dir* or *Issaq*. The *Sab* on the other divide into two major groups the *Digil* and *Mirifle (Rahanweyn)*.[22] These attempts however, ignore the current political reality. Traditionally, many scholars tie Bantu and Nilotic groups to the four main clans of the Somalis, on the basis of being assimilated. This belief is however misguided. During the Somali peace process the Bantus and Nilotes emerged as distinct groups, and demanded equal representation and participation in the new political dispensation in Somalia.[23] But this is not the end because the sub clans further divide into sub-

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[15] see Saadia Touval op.cit.p.17

[16] R.E Drake Brockman, *British Somaliland* (London: Hurst & Blackett, 1912) pp.71

[17] ; J.A. Hunt, *A General Survey of the Somaliland Protectorate,* 1944-1 950) London: Crown Agents, 1951) pp. 125-151.

[18] I.M. Lewis, "Historical Aspects of Genealogies in Northern Somali Social Structure," *Journal of African History.* Vol. 3, no 1 (1962) pp 35-48 see also I.M. Lewis. *A Modem History of Somalia: Nation and State in the Horn of Africa.* (1979) pp. 272-273

[19] For details see S.Touval, *Somali Nationalism* (Massachusetts: Harvard University Press, 1963) p.17;

[20] I.M. Lewis, *A Modern History of Somalia: Nation and State in the Horn of Africa* (Boulder: Westview Press, 1988) pp.4-10

[21] See also; I.M. Lewis, "Historical Aspects of Genealogies in Northern Somali Social Culture," *Journal of African History*, Vol.3, No.1 (1962) pp.35-48; "Somali Clan Organograms," *Document of the Somalia National Reconciliation Conference*, Nairobi, 2nd April, 2004.

[22] There is contention on whether the Digil Mirifle are an Ethnic group or a geographical area that has determined the name of the diverse communities that occupy it-Interview; Ahmed Haile, Somali Personalities, 2nd April, 2004

[23] They were represented by séveral political organizations, *SAMO ASAL* and *SAMO ASILI* for instance

sub clans. The division continues to minute details like sub sub sub clans which seems to be endless.

The implication of this is that the Somali society is intricate due to these divisions. Apart from causing distinctions in society the divisions form the premise for sharing among the Somalis. It is not therefore surprising that both Arta and Nairobi peace processes applied the 4.5 formula to share power. In this case the four major Somali clans shared at the ratio of 1:1, but the minority ratio was 1:1/2. Meaning that for every single post the major clans secured the minorities were given half. By emphasizing these divisions the formula had the effect of creating satisfaction and dissatisfaction at the same time amongst different clans. The result was further disagreements which undermined the unity sought through the peace processes.

Above all, the formula discriminated against the Bantu, Nilotes, Arabs and other minorities.[24] Although these groups were also at the heart of the conflict they only secured half of the gains given compared to the four major Somali clans. A physical distinction is applied to the four major and minority clans in the use of the terms *Jelle* and *Jereer*. The term *Jereer* means hard hair, *Jelle* on the other means soft (curly) hair; the two terms are used to physically distinguish between Somalis of Cushitic origins with ancestral links to *Sab or Samaale* (*Jelle*) and others of Bantu, Nilotic (*Jereerwyn*) without these roots. Although the distinction between the groups is based on a false notion of superiority by the Cushitic Somalis (who refer to themselves as *Jelle*) it has nevertheless resulted in the discrimination and marginalization of Somali Bantu and Nilotes. In terms of relationships the *Jelle* consider themselves superior to the *Jereerwyn*.

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[24] Interview with Hussein Bantu and Sheikh Jama both leaders of the Bantu community Member of the Transitional Federal Parliament, Eldoret, 20th, December 2002.

The geographical and historical context brings to bear a fundamental between the *Sab* and *Samaale* ignored within genealogy that explains ethnicity on the basis of ecological adaptation. Whereas, Cohen[25] links internal conflicts to different environmental niches from which arises use of natural resources, Zartman[26] rejects this explanation. Instead, he contends that differentiation only, becomes a source of conflict if it is linked to needs that are unevenly and unfairly distributed and perceived collectively. However, such needs must be rooted in conscious identity in which case according to Gurr[27] discrimination is collective and becomes a source of solidarity for the targeted party. Zartman[28], Brown[29] and Holl[30] qualify further that conflict only emerges once the group grievances produce political entrepreneurs who articulate the demands and organize the group to carry out conflict.

While the *Sab* groups of *Digil* and *Mirifle* occupied the interriverine area taking to cultivation of crops, the *Samaale* groups of *Darood, Dir, Hawiye* and *Isaaq* settled the drier parts and adapted livestock rearing.[31] It is unclear why the *Sab* adapted agriculture. Of essence however is that the two environments created two distinct economic practices that led to competition, rivalry and conflict. The former views the relationship between ecology and socio-cultural differentiation as so strong that even under the aegis of a centralized government like the one in Somalia differences continue to persist, the latter does not view this as sufficient cause for internal conflicts.

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[25] "Introduction," in Ronald Cohen & John Middleton (eds) *From Tribes to Nations in Africa* (Scranton, Chandler Publishers, 1970) pp.9-13
[26] I.W. Zartman, "Sources and Settlement of Ethnic Conflicts," *Review of International Studies* Vol.26 (2000) pp.647-662
[27] see Ted Gurr, *Minorities at Risk* (Washington DC: US Institute of Peace, 1993)
[28] I.W. Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts," in I.W. Zartman(ed) *Elusive Peace: Negotiating an End to Civil Wars* (Washington DC: Brookings Institution,1995) pp. 9-11
[29] Michael Brown, "The Causes and Regional Dimensions of Internal Conflicts," in Michael Brown (ed) *International Dimensions of Internal Conflict* (Cambridge MA: MIT Press, 1996) p. 575
[30] Jane Holl (ed) *Preventing Deadly Conflict: Carnigie Commission on Preventing Deadly Conflict* (New York: Carnigie Corporation, 1997) p.30
[31] see A.A. Castagno, "The Republic of Somalia," *Africa Special Report*, July, 1960, p.9

From Cohen's perspective the *Samaale* clans quarrel over water and pasture, while *Sab* ones fought over trade and land. Conflicts pitting the *Sab* and *Samaale* would be based on land encroachment, pasture and watering points. The source of the conflicts is pegged to the different interpretation attached to land ownership. Whereas the *Samaale* view land as communal the *Sab* are inclined towards individual ownership. The two perceptions of land ownership have different impacts on the usage of the land. Whereas communal ownership allows unrestricted movement and usage, individual ownership on the other hand implies restrictions. The two divergent interpretations give rise to incompatible goals over access, control and usage of land. It is this that leads to tension between the two groups. While land is restricted from a *Sab* perspective and it is the contrary from the *Samaale* point of view. In this regard herders like the *Ogaden* and *Marehan* refuse to acknowledge these restrictions thus invading agricultural communities like the Digil and Mirifle in their territories.[32] According to Zartman conflicts occur when one community views it politically and interprets the situation as a denial of access and right to use common resources.

2.3 The Partition and Decolonization

The period referred to as the colonial period is marked by two main activities: the partition and the establishment of colonial rule. It is not clear why the European powers suddenly became interested in Africa in the 1880s. Debate on motive for colonization remains contentious. On the one hand scholars like Lenin[33] and Hobson[34] view the partition as part of imperialism, Robinson and Gallagher[35] on the other describe it as a diplomatic accident, triggered by rivalry between Britain and France over Egypt. Recent Euro-centric scholars like

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[32] Ibrahim Farah et al., "Deegan, Politics and War in Somalia," in Jeremy Lind & Kathryn Sturman (Eds) op. cit.pp. 340-341
[33] see I.V. Lenin, *Imperialism: The Highest Stage of Capitalism* (Moscow: Progress Publisher,1983)
[34] J.A. Hobson, *Imperialism: A Study* (Ann Arbor: University of Michigan, 1965)
[35] see R.E. Robinson & I. Gallangher, *Africa and the Victorians* (London: McMillan, 1961)

Hargreaves[36] and Hopkins[37] and Afro-centric ones like Uzoigwe[38] agree that the scramble was due to a combination of internal African conditions and external European factors.

For instance whereas the Italians wanted parts of Somalia for prestige and imperial grandeur, the British were driven by strategic reasons to secure trade and communication with India. In contrast Ethiopia simply wanted to ensure that it was not left out in sharing the spoils, and to redeem territories that traditionally it considered Ethiopian. For the French, the Benadir coast was simply a base to develop trade.[39] All the different reasons saw the whole of Africa, except a few areas partitioned into parcels owned by different European powers by 1910.[40]

Somalia was divided into five states. While the (Ogaden) was acquired through occupation by Ethiopia in 1897, French-Somaliland (Djibouti) came through the Anglo-French agreement of 1888. Agreements signed between local Somali leaders and the British 1887 resulted in British Somaliland while the treaty of Uccialli between Italy and Menelik in 1888 and subsequent ones with the Sultan of Zanzibar established Italian Somaliland in South-Central Somalia by 1889. Later other parts were amalgamated with the British protectorate the form the Northern Frontier District of Kenya (NFD).[41] After independence the Somalis had difficulties integrating the British and Italian colonies as a result of the dual colonization aspect. Essentially the two parts exhibited different characteristics as a result of their colonial legacy. The second was tension in the region as the Somalis attempted to unite their nation once again in what is known as the Greater Somalia in the 1960s. This led them into war with Kenya and later with Ethiopia.

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[36] I.D. Hargreaves, *Prelude to the Partition of West Africa* (London: McMillan, 1963)
[37] A.G. Hopkins, *An Economic History of West Africa* (London: Longman, 1973)
[38] G.N. Uzogwe, *Britain and the Conquest of Africa* (Ann Arbor: University of Michigan, 1974)
[39] S. Touval, *Somali Nationalism* op.cit.pp. 30-48
[40] Ibid pp. 34-35
[41] I.M.Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*, 4th edn (Oxford: James Curry) pp. 40-62

Once the partition was accomplished the all imperial powers set up a system of administration, either for each individual or group of colonies. While some colonial powers used direct others preferred indirect rule. The application of a specific administrative style depended not only on the goal of the colonial power but also the circumstances on the ground. Whereas the groups that resisted were ruled directly, those who did not or showed little resistance were ruled indirectly through local mechanisms. Somali rebellion against foreigners was led by heroes like Mullah Mohamed Abdille Hassan (Mad Mullah). [42] The objective of the Mullah was to free Somalis from aliens, not only the British but also Ethiopians. Although the Mullah was finally defeated in the 1920s his activities forced the British to withdraw to the coastal area.[43]

Decolonization in Somalia resulted in two distinction regions, one in the northern and the other in the southern parts. While the southern was largely Italian, and developed for settlement by immigrants from Italy, the northern parts were British and underdeveloped.[44] The implication was that there was more violence in the Italian south than the British north. The distinction in the process of decolonization whether violent or not was determined by the presence or absence of settlers. Whereas in the south Italians had appropriated land for banana plantations, in the north the British kept aloof. The violence is explained by the quest for justice and the need to redress the injustices over land. In Somalia the greatest level of violence was around the interriverine regions of Shabelle and Jubba.

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[42] Mullah Mohamed led a Pan Somali puritanical religious movement, *Salihiyah* which historically is known as the, "Dervish Movement." See for details I.M. Lewis, "In the Land of the Mad Mullah," *Sunday Times*, London, August 30th, 1992 pp.8-9; Robert L. Hess, "The Mad Mullah and the Northern Somalia," *Journal of African History*, Vol.5, No 1 (1964) pp. 415-433

[43] Saadia Touval, op.cit.pp. 51-60; see also I.M. Lewis, "Nationalism and Particularism in Somalia," in P.H. Gulliver (ed) *Tradition and Transition in East Africa: Studies of Tribal Elements in Modern Era* (Berkeley: California University Press, 1969) pp. 339-362

[44] Saadia Touval, op.cit.pp. 40-48

Political violence in Somalia is therefore as old as the nation. Beginning with the period of migrations followed by colonial and independence period and during the civil war. The difference throughout history seems to be the target which has changed overtime. Whereas it was originally the colonial master, today it is the ethnic stranger. The claim of ancestral land ownership at the basis of this distinction pre-dates the civil war. A closer look gives the impression that while the southern parts of Somalia are still in turmoil today, the northern parts like Somaliland and Punt land have relative peace. This perception and level of violence witnessed in these two areas has led some analysts to conclude that the southerners are more violent than the northerners; although this conclusion is attributed to different colonial experiences the conclusion is misguided.

The post-war period saw an increase in the agitation for independence. This was the result of the exposure during the world war period. Additionally, the Italian invasion of Ethiopia, the 1940 declaration of war on allied forces and subsequent defeat of Italy gave rise to calls for unity of all Somalis under British territories. The calls were also aggravated by incitements that came through Egyptian radio broadcasts in the 1950s. Internally, the development of Koranic schools, where Somali nationalistic sentiments were promoted increased the feeling.[45] These activities led to the rise of political parties like the Somali Youth Club founded in 1943 and later in 1947 renamed Somali Youth League (SYL) in Mogadishu, the Hizbia Dastur Mustaqil Somali (HDMS), Somali National League (SNL) and the United Somali Party (USP). Although most of these parties denounced clannism, they remained clan based. While HDMS drew its membership from the Digil Mirifle, SNL was supported by the Isaaq and the USP and SYL by both the Dir and Darood and Hawiye respectively.[46]

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[45] Ibid
[46] Ibid

Between 1948 and 1950 there were considerable calls for independence and political activity in Italian Somaliland. The SYL called on Somalis to take up arms against the Italians. Recognizing this danger and to avoid violence Italy begun to prepare to hand over some positions to the Somalis. The establishment of the Territorial Council in 1950 was the beginning of Somali clan leader's involvement in administering their territory. However, since political parties were not included they continued with their agitation. In 1954 the Territorial Council was converted into a Legislative Assembly elections were introduced. The 1954, 1958 and 1959 elections saw the participation of political parties with the SYL dominating. This meant that the majority of government officials belonged to the Hawiye and Darood. This was the beginning of the struggle between the two clans. Independence followed in 1960 with Aden Abdulle Osman Sharmake as president and his ally Abdirizak Haji Hussein as the Prime Minister.

2.4 The Post Colonial Period

The most marked period of political violence was the post-independence era. Successive governments strained relations amongst the Somalis, by favouring certain clans at the expense of others. Right from July 1960 two things haunted the new government of Somalia. Despite the effort made to balance the clan and sub clan representation in government they totally excluded the minority clans and sub-clans. The second problem is that they failed to attain a regional. For example the northern part of Somalia was under represented.[47] Successive Somali including Siad Barre's did not fix this problem instead the situation worsened with each successive government. For example, the government of Abdirizak Hussein Haji drew instant reaction on the basis that it had ignored clan and regional balance in drawing the Council of Ministers. Hussein apparently

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[47] Aves O. Hagi & Abdiwahid O. Hagi, *Clan, Sub clan and Regional Representation in the Somali government Organization 1960- 1990: Statistical Data and Findings* op.cit.

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nominated five *Daroods* against three *Hawiye* and *Issaq*. [48]. The discontent on clan representation resulted in the mushrooming of many parties based on clan lineages. Clan tensions after 1969 elections heightened culminating in the assassination of the president and a subsequent coup. The coup followed greater apprehension triggered by suspicion that Mohamed Ibrahim Egal Haji was grooming another *Darood* to replace the slain president. Officers in the army interpreted this as a perpetuation of clannism and therefore on October, 21, 1969 when, it became clear that even the council of ministers would support Egal's choice, General Siad Barre seized power through a coup d'état with a promise to end the clannism.[49] Apart from divisions derived from genealogy the independence governments of Somalia had to contend with other challenges like the question of regional integration discussed earlier.

The analysis of the Revolutionary government can be done in three phases. 1969 to 1971, 1972 to 1974 and 1975 to 1991. During the first period, the Supreme Revolutionary Council engaged in consolidation of power by deliberately establishing a coalition of clans related to the president of the Supreme Revolutionary Council (SRC).[50] This coalition comprised the *Darood* sub clans of *Marehan, Ogaden* and *Dulbahante*. Other major clans like the *Hawiye, Dir, Digil Mirifle* and the minorities were excluded from this coalition leading to resentment. Like in other African states the Supreme Revolutionary Council did so by dissolving the National Assembly, suspending the constitution and transferring legislative, judiciary and executive powers to its president, General Siad Barre.[51] By 1974 the government felt secure and it released the critics it had jailed. In this phase, Barre's government still affirmed the supremacy of the *Darood* that was in contention earlier.

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[48] Ibid
[49] Wolfgang Heinrich, *Building the Peace: Experience of Collaborative Peace building in Somalia*, 1993-1996 (Uppsala: Life &Peace Institute, 1997) p.xiii
[50] I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* op.cit. pp.248-250
[51] Ibid

The second phase 1972-74, marked the transformation of the military regime into a civilian outfit. Under pressure the Revolutionary Council founded the Somali Revolutionary Socialist Party as the only legal party in the country. The Council declared itself the party's central committee and Siad Barre became its Secretary General and chairman of the Polit-bureau.[52] This move reduced some of the fears held by some groups thus making the opposition members and sceptics to anticipate changes in the political arena. In theory, this marked the end of military rule, however, in practice real power in government and party remained in the hands of the military officers who were influential within the SRC. The change also failed to curtail the influence of *Marehans*, the *Dulbahante* and *Ogaden* in government, as the other clans would have wished. In 1975 the government in a program to ensure food security relocated a huge population of communities from the northwest regions to the lower, middle Shabelle and middle Jubba.[53] This move displaced subsistence farmers originally inhabiting territories in these areas. The engagement later in civil war was justified on the basis that the Bimal and Ogaden for example were fighting for their rights.

The third phase is between 1975 and 1991. Significantly, during this period, the euphoria with which the revolution was received dwindled, and the reality dawned that the coup was not delivering on economic and social change that had been anticipated. To divert attention from increasingly growing internal opposition Barre revived the issue of the Greater Somalia starting, by supporting the *Ogaden* in their war against Ethiopia.[54] The plan was to be accomplished in three phases; Phase one-recovery of the Ogaden and Haud regions of Ethiopia, phase two-

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[52] Interview: Abukar Maridadi, Founding Member of SDU, Eldoret, 14th November, 2002.
[53] Committee Six report, "Conflict Resolution and Reconciliation," *Document of the Somali National Reconciliation Conference*, Nairobi, March, 2003
[54] I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* 4th end (Oxford: James Carrey, 2002) pp 226 - 236

Northern Frontier District of Kenya, and finally phase three-the territories of Djibouti.[55]

Although in the short term this move boosted the image of Barre, however, in the long term it set

in motion his fall. As such Somalia declared a full-scale war on Ethiopia to support the Ogaden.

The results of this 1977 war had serious implications for the Barre regime. Somalia's defeat

depressed and alienated further the *Hawiye, Isaaq* and *Majertan*. As agitation grew following

this defeat Siad Barre resorted to use of elite units to conduct ruthless assaults targeting

specifically members of these clans. This coupled with arbitrary arrests and summary executions

of *Hawiye, Marjertan* and the *Issaq* loss government jobs led to further discontent.[56]

Whereas in the short term the arrests removed Barre's immediate enemies from active

politics and thus restored some quiet, in the long term however, they won many disciples for his

enemies who grew in numbers daily culminating in the emergence of an opposition group, the

Manifesto. Subsequent arrests and trials of members of the Manifesto group and the massacre

around Mogadishu triggered demonstrations,[57] which eventually, forced Barre to retreat to a

military barrack to hide from the wrath of the citizens in 1991.

The analysis of these periods indicates a general feeling of target deprivation which

became even more acute during the Siad Barre's regime. The latter was accused of favouring

only the *Marehan, Ogaden* and *Dulbahante* clans.[58] The *Hawiye, Dir, Digil Mirifle, Isaaq* and

Jererwyn clans felt that they were collective targets of repression and deprivation. According to

Gurr[59] whatever the source of the discrimination the impact is that it provides the coin of identity

for targeted people and unites them. It is the gap between the expectation and satisfaction,

[55] Ali Mazrui, "Crisis in Somalia: From Tyranny to Anarchy," in Hussein M. Aden and Richard Ford (eds) *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Vol.1 (Asmara: Red Sea Press, 1997) pp. 7-9
[56] Ibid
[57] I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* 4th end (Oxford: James Carrey, 2002) pp. 226 - 269
[58] Aves O. Hagi & Abdiwahid O. Hagi. *Clan, Sub clan and Regional Representation in the Somali Government Organization 1960-1990: Statistical Data and Findings.*
[59] See Ted Robert Gurr, *Minority at Risk* (Washington DC: US Institute of Peace, 1993)

attributed to a specific agency that leads to conflict.

2.5 The Civil War Period

After Siad Barre two leaders emerged, Gen. Mohamed Aideed and Ali Mahdi on the basis of articulating group demands. However, as time went by the number of such leaders grew rapidly. Qanyere, Musa Sudi, Osman Ali Ato, Mohamed Dhere, and Bihi just to mention a few also rose as individuals who represented different clans and sub-clans. These individuals were able to gain control of state property for revenue generation. They were simply entrepreneurs who mobilized resources for the conflict by collecting fees from airports, airfields and ports. These individuals among others became the incarnation of group demands by setting up different militias; Somali Salvation Democratic Front (SSDF), the Somali National Movement (SNM), the United Somali Congress (USC) and the Ogaden-based movement the Somali Patriotic Movement (SPM) based on ethnic/clan affiliation.[60] The USC was largely *Hawiye* while the SSDF was *Darood* and SNM *Issaaq*. Although, Barre was willing to compromise his brother and a section of his own sub clan Marehan were against giving any concession to the opposition.

This led to a long time standoff that lasted more than a decade. Despite the common goal the groups rivalled each other. It is only in 1990 that the SNM and USC formed an alliance and escalated the attack on the government that forced Siad Barre to declare a state of emergency. One month later he fled from the capital Mogadishu and the USC took over. However, personal interest immediately beset the Mogadishu factions. While a section of USC based among the *Abgal* sub-clan of the *Hawiye* declared Ali Mahdi the interim president on 29th January 1991, the *Hawiye* sub-clan of *Habr Gedir* and others protested this decision led by General Mohamed

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[60] "The United Nations and Somalia 1992-1996". *United Nations Blue Book Series*, Vol VIII, (1996) pp 11-12; see also *Clan, Sub clan and Regional Representation in the Somali Government Organization 1960-1990: Statistical Data and Findings.op.cit.pp.30-31.*

Aideed the chairman of USC.[61] This division set the pace for further fragmentation of the USC

movement and the groups that had ousted Siad Barre.

2.6 Somalia's Regional and International Politics

The fact that the civil war occurred within the boundaries of Somalia creates the

assumption that it was an outcome of the processes that unfolded within the same geographical

area. However, a focus confined to Somalia inevitably ignores regional dynamics that feed into

the processes leading to the civil war. The idea of regional processes introduces conflict systems,

which is useful in the management process. A systems analysis explains the sources and causes

of conflicts in much wider and broader way. In this regard, Somalia is part of a larger conflict

system in the Horn of Africa.[62] The conflict system encompasses immediate neighbours of

Somalia; Kenya, Ethiopia, Djibouti, Eritrea, Sudan and Uganda and other far away states like

Egypt, Libya, Yemen, Italy, USA and even China. The systems approach links an internal

conflict to its external environment. For Deng and Zartman[63] internationalization is the source of

this linkage between domestic and international conflicts. This is an important aspect of conflicts

in Africa.

Internationalization of conflict is understood as the process through which an internal

conflict crosses an international boundary.[64] The reasons for internationalization are many.

According to Strazzari[65] social networks like occupation, family and diaspora affiliations

underpin regional conflict complexes. From a historical perspective the partition, accounts for

diaspora, ethnic and social networks that exist between Somalis, in addition to other factors like

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[61] Ibid
[62] Makumi Mwagiru, *Conflict: Theory, Processes and Institutional Management* op.cit
[63] Francis M. Deng &I. W. Zartman, *Conflict Resolution in Africa* (Brookings: Institution, 1991)
[64] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op.cit
[65] Francisco Strazzari, "Between Ethnic Collusion and Mafia Collusion: The Balkan Route to State Making," in Dietrich Lung (ed) *Shadow Globalization, Ethnic Conflicts and New Wars: A Political Economy of Intrastate War* (London: Routledge, 2003) p.152

occupation. The partition of Africa alone distributed Somalis to French Somaliland (Djibouti), Northern Frontier District (North Eastern- Kenya), zone five of Ethiopia (Ogaden) and the Republic of Somalia. These divisions created linkage between the Somalis in the three frontline states. It is not surprising therefore that these states always get involved in Somalia's domestic wrangles. However, among these states the most active are Djibouti and Ethiopia. The two states among others have been identified as critical suppliers of arms to various factions in the Somali conflict, as a way of securing a friendly government in the new political dispensation.[66] But such support has resulted in the escalation of the violence and deepened rivalry amongst the Somalis. For, Pugh and Cooper[67] the ready availability of means of war making, creates the opportunity to undertake war.

In addition to ethnic connections and diaspora affiliations other factors equally explain the Somali conflict from a regional context. In this regard Djibouti's interest is based on the fact that some of the populations of northern Somalia share the same clan affiliation with the majority of clans there. Its involvement is on the basis of sympathy to the Isaaq of northern Somalia. Djibouti later created an alliance in Mogadishu, the National Salvation Council to protect the interest of its clan members.[68]

Scholars have also shown that internal wars have regional effects through the spill over effect.[69] Initially Kenya's attitude to the Somali conflict was the product of two approaches. Whereas the Kenyatta government between 1963 and 1978 was intransigent, the Moi regime that took over from 1978 to 2002 became friendlier. Indeed, Moi armed Siad Barre twice in his

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[66] "Experts Recommend UN Sanctions for Violations of Arms Embargo in Somalia," *UN News Center*, April 3, 2003

[67] See also Michael Pugh & Neil Cooper, *War Economies in the Regional Context: Challenges of Transformation* (London: Lynne Rienner, 2004) pp.30-31

[68] The alliances brought together those who were opposed to the SRRC and anti-Ethiopia.

[69] See Lake, D and Rothchild. D (Eds) *The International Spread and Management of Ethnic Conflict.* (Princeton: Princeton University Press, 1997)

attempt to recapture Mogadishu and the presidency. The support is understood in context of Moi's hatred for rebellions after his experience with the 1982 attempted coup in Kenya. In his view a successful rebellion in Somalia was in bad taste since it could set a bad precedence for Kenya. Such an example would encourage rebels in Kenya to seek support from their fellow rebels.

However, once this initial direct involvement failed the Moi regime, changed tact and policy to that of mediating the conflict. The intention in this case, was to secure a friendly government in the unfolding political landscape in Somalia. Kenya pursued this policy by officially creating opportunities for dialogue and by giving asylum to some of the faction leaders. In this regard, Kenya became a player in the conflict itself. Secondly, at a different level clan rivalries received support from the big Diaspora population settled in Kenya's Eastleigh. This Diaspora sustained the war by supplying goods, money, and facilitating medical services for the wounded and sick.

Additionally, extra-regional political factors also contributed to this conflict. Within the Horn of Africa, Eritrea became involved in the conflict for a different reason. Eritrea saw its involvement as an opportunity to settle scores with Ethiopia. The two countries had a long-standing border dispute. Eritrea sought alliances to frustrate Ethiopia's interests and ambitions in the region and more so in Somalia. In this regard it found a perfect ally in Djibouti, which was unhappy with Ethiopia. Similarly, Uganda's involvement was to scuttle Kenya's regional supremacy. In context all these feuds fed into the Somali conflict thus changing it from an internal problem to a regional one. Additionally, the entry of these new actors made the conflict more complex and therefore difficult to manage. Peace in Somalia remains elusive because all the time there is a side to the conflict that makes a deliberate effort to scuttle peace efforts.

Outside the Horn of Africa, Egypt, Libya, Yemen and the Arab League also followed the conflict keenly on the ground that it was a Muslim problem and therefore as Muslim nations they were interested in supporting an Islamic based solution (create an Islamic state). While some of the factions received both monetary and material support from these countries, Yemen amongst others supplied arms to radical factions within Mogadishu.[70]

However, Egyptian interest went beyond Islam. Its involvement included aspects of safeguarding her Nile interests through this conflict. The Nile question affects riparian states like Kenya, Uganda Tanzania, Rwanda, Burundi, Ethiopia and the Sudan. Through colonial agreements, Britain granted exclusive rights to Egypt over the use of Nile waters at the expense of these states.[71] The Egyptian strategy was to keep the conflict in Somalia going as a measure to distract Ethiopia from focusing on development within its territory. In this case, while Ethiopia is preoccupied in Somalia there is no danger that it would divert the Nile waters for irrigation or other purposes.

Beyond these regional interests are those of the international community; Italy, Britain, Sweden, Belgium, Denmark, and the USA.[72] The interests of the partners vary. Some like Britain and Italy shared colonial history with Somalia.[73] Much of the south-central Somalia was part of what was then known as Italian Somaliland while the north western parts formed British Somaliland and the French areas comprised largely what is today Djibouti. Large banana plantations and farms still belong to Italians like the Mori family in the inter-riverine regions of

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[70] "Experts Recommend UN Sanctions for Violations of Arms Embargo in Somalia," *UN News Center*, April 3, 2003

[71] Chege Mbitiru, "Egypt May soon Lose Control Over the Nile Waters," *Daily Nation, Nairobi*, 16th February, 2004, p.17

[72] These were members of the IGAD Partners Forum founded in 1997 by Austria, Belgium, Denmark, France, Greece, Ireland, Italy, Japan, Netherlands, Norway, Sweden, Spain, Switzerland, United Kingdom, USA, EC, UNDP and World Bank as members. For objectives of IPF refer to, "IGAD Cooperating Partners," IGAD News, Issue 1, March-April, 2002

[73] I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* 4th edn. op.cit pp 44-48

south-central Somalia. In this case Italy has quietly been supporting the less radical faction leaders who seem to be bent on protecting their interests.

An agreement between the Italian south-central and the British north-western territories formed the Republic of Somalia in 1960.[74] After the civil war the north-western regions revoked the 1960 agreement with the south and declared independence. Today the area is peaceful and has managed to restore law and order within its territory. The region now calling itself Somaliland wants to secede. This attitude threatens the chances of making peace and retaining the unity of Somalia as a whole. Britain as a former colonial master seems to be encouraging the secession of Somaliland. The former colonial master has been lobbying for recognition of this government within international circles arguing that if the south has failed to organize it there was no ground to continue refusing to do so.

Swedish involvement comes on the basis that it is one of the countries with the largest Somali refugee populations in the world. The total number of Somalis is 40,000, with 30,000 registering as Somalis, while 10,000 registering as *Ogaden*.[75] The *Ogaden* are those who entered Sweden during the regime times. Because they needed asylum they used this region of Ethiopia to secure it. The then ruling party in Sweden, the Social Democratic Party made a pact with the Somalis, that in return for their vote the party would help with peace and reconstruction of Somalia once elected.[76] In addition, Sweden is a major advocate for peace in the world.[77] Informed by belief in peace, Sweden has actively participated in trying to find a lasting solution to the Somalia problem. This agenda has also been adopted by other Nordic states.

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[74] Ibid
[75] Interview: Awil Mohamed, Somali Delegate to Peace Process and Swiss Citizen, KCCT-Mbagathi, 2nd April, 2003
[76] Ibid
[77] Ibid

The United States of America on its part had mixed reaction towards Somalia. At the outset the US agenda was directed by a foreign policy founded on humanitarianism.[78] The objective then was to restore sanity to the chaotic situation left in the Horn by the demise of the Soviet Union. In this regard, the US led a multilateral force in the early 1990s.[79] However, once this mission failed the world's hegemon withdrew from Somalia. Due to domestic pressure and the inability to deal with the Somalis in their home turf the US policy shifted to indirect involvement. [80] US refocused on the region following September 9/11, where her interest is driven by the war on terrorism and of late piracy in the region. The conflict following the return of the TFG in Mogadishu comprised those opposed to religious fundamentalists and those accused of being infidels is a proxy war involving the USA.

2.7 Conclusion

This Chapter dealt with the causes of the conflict. It established that the Somali conflict is explained by a multiple causes which combine both long term and short term factors. Whereas the long term ones are engrained in Somalia's history and geography which inform the underlying sources, the colonial legacy and bad governance among others also play a role. The underlying factors are worsened by issues of clannism, regional and international politics. The implication of this is that the Somali conflict has overtime grown from simple to complex as these multiple factors interact. What this also means is that the management approaches have to take into account this complexity. The resolution of this conflict therefore calls for a multiple approach that takes into account not only the internal dynamics but also the regional and international ones.

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[78] Wolfgang Heinrich, *Building the Peace, Experiences of Peace building: The Case of Somalia* (Uppsala: Life and Peace Institute, 2006) pp.104-105
[79] Ibid
[80] See An analysis in Ibrahim Q. Farah, "Dual Diplomatic Approaches in Conflict Management: The International Peace Initiatives in Somalia, 1991-1998, " *M.A Dissertation, unpublished*, IDIS, University of Nairobi, 2000

CHAPTER THREE

THEORETICAL CONSIDERATIONS AND QUESTIONS

3.1 Introduction

The previous chapter dwelt on identifying causes of conflict in Somalia. The chapter demonstrated how both Somalia's geographical and historical context generate conditions associated with this conflict. Although, debates are ongoing about some of these explanations, the chapter argued that, the understanding of the Somali conflict required a multi-causal approach since many factors inform its genesis.

This chapter examines the theoretical considerations that explain both the genesis of the conflict and its management strategy. In so doing the chapter assumes that a clear analysis of the causes of a conflict leads to a better understanding and design of an appropriate framework for its management. Essentially, therefore this chapter appreciates that theory informs practice. Theory plays the important role of setting the criteria for critiquing and thus improving not only the explanations but also the methodology of understanding and management of the conflict. The theoretical considerations therefore help to explain, understand and interpret the reality in which the 14th led initiative in Somalia took place.

3.2 The theoretical consideration on the Somalia Conflict Context

Somalia attracts attention on the basis of its protracted conflict and the unique negotiations involving factions alone. This situation created a unique window of opportunity in conflict management theory. Furthermore, IGAD's intervention involving multiple mediators of diverse interests is another opening. Lastly, the conflict being that of post-Cold War reality brought into consideration two questions. What is new? And what is not? These twin questions have implications for theory. It follows that if there are changes in reality then such changes

should be captured in the explanation of the new reality. On the basis of this discussion three main issues emerge from the nature of Somali conflict, the nature of the negotiation and nature of the IGAD led mediation process during the 14th Somali conference. Theoretically, the basis of the study focuses primarily on determining the conditions under which such a conflict can be negotiated successfully. The main assumption is that apart from ripeness, a unique negotiation of this nature may require other conditions to deliver a successful outcome.

Arising out of the nature of conflict is what Kaldor describes as the "new wars." In this regard the reality has changed from inter-state to intra-state. This implies that the level of analysis shifts from focusing on the state to that of examining the dynamics within the state. On this basis Keohane, Nye and Fukuyama decry the inability of realism as a theory to capture the reality. The premise right from the onset is that a theoretical analysis of conflict informs its management strategy. This implies that an examination of the sources of a conflict precedes the strategy.

The literature on the debate on the sources of conflict is dominated by two main views. Whereas Nye[1] insists on scrutiny of triggering factors, others like Galtung[2], on the contrary lay emphasis on examination of deeper structural conditions. In-spite of scholars maintaining this theoretical distinction, in reality the two conditions combine to explain the sources of conflict. Galtung argues that the conditions that create the potential for violence in the long term are embedded in social structures. In examining the underlying sources of conflict Galtung, associates those conditions with structures within society. He explains that such circumstances

[1] See Joseph Nye, *Understanding International Conflicts: An Introduction to Theory and History* (New York: Harper Collins, 1993)
[2] See J. Galtung. "Violence, Peace and Peace Research," *Journal of Peace Research* Vol.3 (1969) pp.167-191; also Galtung, "Cultural Violence," *Journal of Peace Research* Vol. 27(1990) pp.291-305.

give rise to unpeaceful societies.[3] However Nye denies this and explains that not all circumstances which lend credence to the outbreak of violent conflict are necessarily associated with structures. From this debate there would be two set of factors behind the Somalia conflict.[4]

Two contradictory explanations dominate international relations thinking. The distinction between the two is located within power politics. The first held by Deutsch,[5] and Sandole[6] is informed by the view that power politics is at the core of international relations, however, the second is in contrast to this. While power politics on the one hand at the core of the state centric analysis that is informed by realism, on the other is non power politics that explains the non state centered explanation supported by Banks among others.[7] From the realist perspective the study of international relations is primarily about inter-state relations. So states are both actors and units of analysis. In this regard therefore, non state actors are ignored during analysis of conflicts.

On the contrary scholars like Vasquez[8], Keohane and Nye[9] view this realist explanation as incomplete. Adding their voice to the argument Fukuyama[10] and Kegley[11] point the glaring poverty resulting from explanatory failure of realism especially after the Cold War. The occurrences after the end of the cold war, especially in the nature of conflict begs the question

[3] See Adam Curle, *Making Peace.* (London: Travistock Publications, 1971).

[4] See Chapter two

[5] See Morton Deutsch, *The Resolution of Conflict Constructive and Destructive Processes* (New Haven: Yale University Press, 1973)

[6] D.J.D Sandole, "The Subjectivity of Theories and Actions in World Society," in M. Banks (ed) *Conflict in World Society: A New Perspective in International Relations* (Brighton: Wheatsheaf, 1984)

[7] See Michael H. Banks (ed) *Conflict in World Society: A New Perspective on International Relations* (New York: St. Martins, 1984)

[8] J.A. Vasquez, *The Power of Power Politics: A Critique* (New Brunswick: Rutgers University Press, 1983)

[9] R.O. Keohane & J.S. Nye, "Neorealism and Neoliberalism," *World Politics,* Vol.40 (1988) pp.235-251

[10] F. Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992)

[11] See also C.W. Kegley jr., "The Neoidealist Moment in International Studies? Realist Myths and the New International Realities, " *International Studies Quarterly* Vol. 37 (1993) pp.131-146

what is new and what is constant?[12] The impact of the changes is reflected in the emergence of intrastate; inter sectarian collusions which have restructured the nature of conflict.[13] The conflict in Somalia is characterized by the participation of non-state actors. Those who carry out the violence (rebels, guerrillas, terrorists) do not comprise regular armed forces. It is highly unlikely that institutional military leaders and political elites control such forces.[14] On this basis then it is necessary to re-examine the tools that would help in the analysis of the conflict and the level at which the analysis takes place.

3.2.1 The Context of the Somali conflict

Geographical and historical factors account for the context of the Somali conflict. The basis of the geographical context is the ongoing debate on the linkage between the environment and conflict. Although, scholars like Gleditsh and Udal[15] deny that such a link exists in the context of security. However, more and more current literature is increasingly indicating a clear nexus between the two. Other scholars like Renner and French[16], Conca and Dabelko,[17] and Homer-Dixon [18] also acknowledge the relationship. They point out that the overuse of natural resources and the consequent degradation of the ecosystems undermines human livelihoods creating instability and potential for conflict. Extending this debate further these scholars show that environmental cooperation can play a role in peace making. These scholars establish further

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[12] See R. Jevis, "The Future of World Politics: Will it Resemble the Past?"*International Security*, Vol.16 (1991-1992) pp.39-73. See also Serfarty, "Defining Moments," *SAIS Review* Vol. 12 (1992) pp.51-64

[13] T H. Moran, "International Economics and US Security, " in C.W. Kegley Jr. & E.R. Wittkop (eds) *The Future of American Foreign Policy* (New York: St. Martin's Press, 1992) pp.307-318

[14] Wallace Warfield, "Moving from Civil War to Civil Society," *Peace Review*, Vol.9, No.2 (1997) pp.249-254

[15] Nils P. Gleditsch and Heinrik Urdal, "Ecoviolence? Links between Population Growth, Environmental Scarcity and Violent Conflict in Thomas Homer-Dixon's Works," *Journal of International Affairs*, Vol.56, no.1 (2002) pp. 1-21

[16] See details of these debates in Michael Renner and Hilary French, "Linkages between Environment, Population and Development" *Environmental Change and Security Project Report issue 10 (2004).*

[17] Ken Conca &GD Dabelko (eds) *Green Planet Blues: Environmental Politics from Stockholm to Johannesburg (Boulder: Westview* Press, 2000).

[18] See details of these debates in Michael Renner and Hilary French, "Linkages between Environment, Population and Development" *Environmental Change and Security Project Report issue 10 (2004).*

that vulnerability is more acute among the nomadic communities who live in environments that constantly suffer harsh climatic conditions like the Horn of Africa.[19] The two contradictory views not withstanding it stands out that Somalia's conflict is tied to its environmental condition. This means that any strategies for its management should take into account this component.[20]

3.2.2 The historical context of the Somali conflict

Nothing has become more controversial now than the question of the impact of colonialism on Africa. Three competing schools of thought emerge on the benefit-analysis of colonialism. While the first favours colonialism and argues that there is a lot of good associated with it, the second argues on the contrary. The third however, departs from these two all together. Gann and Duignan,[21] and Fieldhouse[22] support the first assertion, however, Rodney[23] and Kabwegyere[24], Mazrui and Tidy[25] within the Marxist orientation reject the assertion that colonialism had positive benefits for Africa. Instead, they insist that colonialism was about exploitation and extraction from Africa. This discourse is used as an explanation to the Africa's problems. In this regard, some scholars blame colonialism and its legacy. However, more recent literature argues that Africans cannot continue in the blame game. Scholars, like Bohen[26], taking the third view, insist that Africa's refusal to take responsibility for events long after colonialism is a form of denial.

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[19] See Ken Conca & G.D. Dabelko (eds) *Environmental Peacemaking.* (Washington DC: Woodrow Wilson Press and John Hopkins University Press, 2002. See also Alexander Carius et al "Water, Conflict and Cooperation" in *Environmental Change and Security Project Report op cit pp* 60-66.
[20] See chapter two for a detailed analysis
[21] L.H. Gann &P. Duignan, *Burden of Empire* (London: Pall Mall, 1967) see also L.H. Gann & P. Duignan (eds) *Colonization in Africa,* 5vols (Cambridge: Cambridge University Press, 1969)
[22] D.K. Fieldhouse, *Colonialism 1870-1945:An Introduction* (London: Weidenfeld and Nicholson, 1981)
[23] W. Rodney *How Europe Underdeveloped Africa* (Dar-es-Salaam: Tanzania Publishing House, 1972)
[24] T.B. Kawegyere *The Politics of States Formation* (Nairobi: East African Publishing House, 1974)
[25] See Ali Mazrui & Tidy, *Nationalism and the New States in Africa.* (London: Heinemann, 1984)
[26] See A.A.Bohen, *African Perspectives on Colonialism* (Baltimore: John Hopkins, 1987)

Mamdani[27] taking the first perspective blames colonialism and its legacy for the fragmentation of Africa. He maintains that the introduction of indirect rule had a twofold objective: to constitute the Africans into separate ethnic groups under different native authorities, and to create a legal framework to keep them separated under the law. The implication of this policy was fragmentation of the Africans. For Mamdani the division not only fragmented the people of Africa but went further and converted what was a cultural community into a political entity through the creation of administrative boundaries. In this regard colonialism for Mamdani[28] ethicized citizenship by separating groups administratively and legally.[29] On this basis evolved social economic rights that could not be accessed individually except through group membership. Whereas this is one of colonialisms defects, postcolonial African states, unfortunately unable to de-ethicize continued to reproduce identity based on ethnicity. Osaghae captures this paradox of post colonial states where leaders condemned ethnicity on the one hand but on the other pursued it at the same time.[30]

In linking ethnicity to conflicts two views dominate the debate. While Gellner[31] takes a constructivist view, Smith[32] on the other hand a primodialists one. While Gellner, views ethnicity as the product of greater pressure on a group, Smith describes it as "killings not because of anything people have done, not even politics, but simply because of whom they are." Gellner's[33] view thus captures the role that elites in promoting the interest of ethnic constituents, which apparently Smith ignores. Although there is contention about ethnicity as an explanation for the

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[27] Mohamud Mamdani, *When Victims Become Killers: Colonialism, Nationalism and the Genocide in Rwanda* (Princeton: Princeton University Press, 2000) pp. 197-198
[28] Ibid
[29] Ibid
[30] Eghosa E. Osaghae, "Managing Ethnic Conflicts Under Democratic Transition in Africa: The Promise, Failure and Future," in Caron A. Gboyega &E. Osaghae (eds) *Democratic Transition in Africa* (Ibadan: Credu Publishers, 1992) pp. 214-215
[31] Earnest Gellner, Nations and Nationalism Since 1780 (London: Cambridge University Press, 1990) p.14
[32] A.D. Smith, The Ethnic Origins of Nations (Basil Blackwell, 1987)
[33] E. Gellener, *Nations and Nationalism*, op.cit. p. 14

Somalia conflict this study adduces that ethnicity manifested as clannism is one of the main problems.[34]

Departing from the two schools of thought the third one, argues that not all problems of Africa can be blamed on the pre-colonial society or the colonial legacy. Whereas underlying sources of conflict which, are part of the problem, there are other factors too.[35] These factors are referred to as proximate and trigger causes of conflict. Proximate causes include all those factors that heighten the risk of violence by exacerbating and perpetuating the existing situation.[36] Without the proximate causes worsening the underlying sources of conflict violence may not occur. In this regard, the post-independence period through to the Cold War and the post Cold War period present different challenges to Africa.[37] One situation that contributed significantly to conflict was the worsening politico-social and economic condition during this period. The first is the weakness of Africa states that links directly to ethnicity. This problem emerges out of the creation of the modern state in Africa, where different nationalities were lumped together within one state. Obviously the lumping on its own could not result in conflict but the use of ethnicity as an exclusionary measure in distribution of resources, political power and other benefits weakened and fragmented the African state. In this regard, exclusion was a strategy for centralizing state power. The debate on advantages and disadvantages of centralization of power is derived from two views. Whereas the first view held by scholars like Zolber and Oluwu[38]

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[34] Chapter two offers a detailed analysis of this discourse in THE Somalia context
[35] see Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, management and Transformation of deadly Conflicts* 2nd edition (Cambridge: Polity Press, 2005) pp.16-17
[36] Ibid
[37] See I. William Zartman, "African Regional Security and the Changing Patterns of Relations," in E.D. Keller and D. Rothschild (eds) *Africa in the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynne Reinner, 1996)
[38] See James Wunsch and Dele Oluwu (eds) *The Future of Centralized State: Institutions and Self-Governance in Africa* (Boulder: West view, 1990) also J.Wunsch, "Development Administration in Africa: 1960-1990," in Mark W. De Lancey (ed) *Handbook of Political Science Research on Sub Saharan Africa: Trends from 1960s to the 1990s* (Westport: Greenwood, 1992) pp. 41-72

argues for centralization as a way of promoting national unity and economic development, the second view contradicts it. The first perspective is premised on the thinking that the diversity in African states could easily degenerate into civil wars and therefore centralization is a way of consolidating the states. However, the other view sees centralization as the means that many leaders in Africa used to create dictatorships that do not tolerate dissenting opinions. Through centralization, Africa's many dictators like Mobutu of Zaire, Banda of Malawi, Emperor Bokassa of the Central African Republic and Siad Barre of Somalia emerged.

Although Zolber[39], Wunsch and Oluwu,[40] argue that centralization brought national cohesion and economic development, it also led to selfishness in Africa. In this case the leaders consolidated power for security and survival reasons in politics. Leaders of bigger ethnic groups used such them to construct stronger social bases. In Zolberg's[41] analysis of centralization, two techniques were used in centralization. The first is cooption into the government and the second elimination. Within cooption and elimination there were many strategies.

3.2.3 Psychological Context

The psychological context examines the relationship between human needs and conflict. Both Azar [42]and Maslow[43] argue that conflict occurs when needs are unevenly satisfied, thus some groups view themselves as marginalized. In this case the target groups think that needs are distributed differentially for unacceptable or unexpected reasons. Two key arguments

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[39] Aristide R. Zolberg, *Creating Political Order: Party-State of West Africa* (Chicago: Mc Nay, 1996) p.161
[40] James S.Wunsch and Dele Oluwu (eds) *The Future of Centralized State: Institutions and Self Governance in Africa* (Boulder: West view, 1990)
[41] Aristide R. Zolberg, *Creating Political Order: Party-State of West Africa* op.cit. p.161
[42] see Edward E. Azar, "Protracted International Conflict: Ten Propositions," in Harvey Starr (ed) *The Understanding and Management of Global Violence* (New York: St. Martin's Press, 1999) pp. 23-24,see also E. E. Azar, "Protracted international conflicts: Ten propositions," in F. Dukes &J. Burton (eds) *Conflict: Readings in Management and Resolution.* (London: McMillan Press, 1990) pp.147-148
[43] A.H. Maslow, *Motivation and Personality.* (New York: Harper Row, 1970) and E. E. Azar, "Protracted international conflicts: Ten propositions," in F. Dukes &J. Burton (eds) *Conflict: Readings in Management and Resolution.* (London: McMillan Press, 1990) pp.147-148

account for such a perception; relative deprivation and target deprivation. Whereas relative deprivation views conflict on the one hand, as the result of discrepancy between value expectation and value achievement, target deprivation on the other combines both discrepancy and blame.[44] In this regard, perceived collective need that is denied is the basic condition for conflict. Denied needs are codified as rights and ultimately become subjective.

Once the need based deprivation takes root in a conflict, then the next level of specificity sets in. In this case people no longer view their situation as God's will but as emanating from others.[45] This was the feeling of some Somali clans.[46] The collectivity of needs is what turns deprivation into discrimination. The populations that perceive themselves as targets take offence of the perceived discrimination and use it as a rallying point. Continued discrimination makes those discriminated against refocus their goal from grievance redress to demands for control of the allocation system, since redress at the hands of others is no longer trusted.[47] This creates opportunity for the emergence of political entrepreneurs who make gains by articulating the needs of the targeted populations.

The phenomenon of warlords became widespread during the post-Cold War period. Although in some way Reno and Weingast share the view that it is a global economy phenomenon they disagree about its source. For Reno[48] warlordism is the culmination of state implosion of the state, Weingast[49] however, thinks it is a product of political entrepreneurship.[50]

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[44] For details see James Davies, "Towards A Theory of Revolution," *American Sociological Review* 27, Vol.1 (1962) pp.5-10 and Ted R. Gurr, *Why Men Rebel.* (Princeton: Princeton, 1970) pp.12-15
[45] Ibid
[46] Refer to Chapter Two
[47] see I.W. Zartman(ed) *Governance as Conflict Management: Politics and Violence in West Africa* (Washington DC: Brookings Institutions, 1996)
[48] William Reno, *Warlord Politics and African States* (Boulder: Lynne Reinner, 1998) p.87
[49] Rui de Figueiredo, "The Rationality of Fear," in Barbara Walters & J. Snyder (eds) *Civil Wars, Insecurity and Intervention* (New York: St. Martin Nisjoff, 1999) pp.126-302
[50] Jane Holl (ed) *Preventing Deadly Conflict: Carnegie Commission on Preventing Deadly Conflict* (New York: Carnigie Corporation, 1997) p.30, see also Michel Brown (ed) *International Dimensions of Internal Conflicts* (Cambridge: Lanham, 1999) p.575

Weingast this case considers warlords as mere opportunists who seize the chance to articulate not only group demands, but also mobilize members and resources to carry out conflict. Reno on the other acknowledges this but also adds that warlords rise out of weak leadership. Reno therefore associates warlordism with the patron clientelism form of management, rather than state bureaucracies. He contends that the Cold War perpetuated preferential treatment while the post-Cold War period ended the practice directly undermining the internal patron client networks. The change essentially, denied leaders the resources to run the system and thus led to the emergence of strongmen who appropriated resources that weak rulers could not.[51]

The civil war in Somalia took both the constructivist and primodialist perspectives. From a constructivist point of view different clans and sub clans fought to defend their rights either as allies of the bigger ones or on their own, at the same time they killed based on differentiation of them and others. Whereas the social structure of the Somali society contributed to ethnic differentiation it is argued by some scholars that ethnic differentiation alone does not cause conflict.[52] The relationship between conflict and ethnicity is explained by the idea of creed. Creed is perceived as the generalized identity feelings and beliefs of a group that promotes exclusive tendencies.[53] From this thinking the nexus between primodialism and constructivism is found in creed. Thus while all individuals crave to belong to a group at the same time they keep others away from them. This kind of exclusion if extended to resources and other things lead to disparity and breeds conflict.[54]

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[51] William Reno, *Warlord Politics and African States* (Boulder: Lynne Reinner, 1998)
[52] I.W. Zartman, "Sources and Settlements of Ethnic Conflicts: Mediating Conflicts of Need, Greed and Creed," *Orbis* Vol.44, No. 2 (2000) pp 255-266
[53] Ibid.
[54] Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989) pp. 237-238,252

3.3 Theoretical Considerations in Management of Conflicts

The literature on pre-negotiations takes two different perspectives of the concept of conflict management. While the first considers pre-negotiations as a consensus building measure, the second understands it as a preparatory period in which parties work to ensure successful negotiations. From a functionalist perspective Rothman[55] defines pre-negotiation as an attempt to arrive at and convince the other party that a joint solution is possible. In this case pre-negotiation as a consensus building measure taking place during this preparatory period with the aim of creating conducive conditions in which a search for common understand becomes possible.[56] However, a strategic definition on the other hand presents the concept as the process for eliminating issues may obstruct parties from engaging in alternative formulations and arriving to a cooperative and negotiation effort.[57] This study adopts the second one since it integrates the first one. The assumption here is that prior to the negotiations there is need to explore possibility of finding a "zone of agreement," according to Cohen.[58]

Consequently there is an exploratory period wherein the parties engage in the preparation for around the table talks.[59] Zartman and Berman[60] assert that long before the formal process of negotiation begins a decision is made to explore the possibility of a negotiated solution. While traditional thinking associates the process of negotiation with activities that take

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[55] Jay Rotham, "A Pre-Negotiation Model: Theory and Training, Project on Pre-Negotiation Summary," *Policy Studies*, 40, Leonard Davis Institute for International Relations: Hebrew University of Jerusalem, 1990 pp.4-5;see also I.W. Zartman, "Pre-Negotiations: Phases and Functions," In Janice Gross Stein (ed) *Getting to the Table: The Process of International Pre-Negotiation* (Baltimore: The Johns Hopkins University Press)

[56] I.W. Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts," in I.W. Zartman (ed) *Elusive Peace: Negotiating an End to Civil War* (Washington DC: Brookings Institution's, 1995) pp.3-6

[57] Jay Rotham, "A Pre-Negotiation Model: Theory and Training, Project on Pre-Negotiation Summary," *Policy Studies*, 40, op.cit. pp.4-5

[58] See Reymond Cohen, *Negotiating Across Cultures: Communication Obstacles in International Diplomacy* (Washington DC: United States Institute for Peace Press, 1995)

[59] I.W. Zartman, "The Unfinished Agenda: Negotiating Internal Conflicts," in Roy Licklider (ed) *Stopping the Killing: How Civil Wars End* (New York: New York University Press, 1993) pp. 20-35; see also I.W. Zartman, "Common Elements in the Analysis of the Negotiation Process," *Negotiation Journal*, Vol.4 (1988)

[60] I.W. Zartman and Berman, M.R., "Behaviour in Pre-Negotiating Period: A Summary," in I.W. Zartman and Berman M.R (eds) *The Practical Negotiator* (New Haven: Yale University Press, 1982) pp. 8-43

place round the table, current literature in contrast views negotiations from a broader perspective. It sees it to be larger than the activities around the table. This literature argues that negotiation pre dates the around the table talks and extends beyond the around the table talks.[61] Informed by this position, modern literature pays close attention to the initial stage or phase referred to as pre-negotiations.[62]

Although Saunders[63] does not present a formal definition of pre negotiation, he argues that the first stage in a negotiation process is important because it removes the obstacles to the actual negotiation.[64] During this preliminary stage the parties are able to reduce the risks of escalation; by narrowing their differences, identifying trade-offs and structure the agenda for formal negotiations. Consequently the likelihood of successful negotiation improves significantly if the parties reach agreement during the pre-negotiation. What this implies is that sometimes, when negotiations reach a point of stalemate a mediator can help to find a "zone of agreement," in which the degree of involvement and resources of the mediator are particularly important. The pre negotiation phase is key because during the stage significant discussions directed at achieving agreement take place in three areas. The first is agreement on the possibility that negotiations may prove advantageous to all parties in the conflict. The stage begins "when one or more parties considers negotiation and communicates this intention to the other parties".

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[61] see for a detailed analysis Harold H. Saunders, "Pre-negotiation and Circum-negotiation: Arenas of the Peace Process," in Chester Crocker, Fen Hampson and Pamela Aall (eds) *Managing Global Chaos* (Washington, D.C.: United States Institute of Peace Press, 1996) pp. 419-432 and Makumi Mwagiru, *Diplomacy: Documents, Methods and Practice* (Nairobi: Institute of Diplomacy Publication, 2004) pp.70-71

[62] Harold H. Saunders, "Pre-negotiation and Circum-negotiation: Arenas of the Peace Process," in Chester Crocker, Fen Hampson and Pamela Aall (eds) *Managing Global Chaos* op.cit. pp. 419-432

[63] Ibid

[64] Daniel Druckman, "Determinants of Compromising Behaviour in Negotiation: A Meta Analysis," *Journal of Conflict Resolution*, Vol.38, No.3 (1994) pp. 507-556

Pre negotiation ends when the parties agree to formal negotiations or when one party abandons the consideration of negotiation as an option. [65]

Literature on leverage views it as an effort by one actor to influence the choice and decision of the other. Kleiboer[66] views leverage as the mediator's ability to pressurize one or both conflicting parties to accept a proposed settlement. It is assumed that a mediator has the ability to influence the parties. In this regard leverage is an important tool for success in the mediation process. Touval and Zartman[67] in their analysis, distinguish between two kinds of leverage. Leverage as reward and leverage as threats. In this sense, leverage derives from resources either given as rewards (carrots), or used to threaten and coerce (sticks).[68] Both carrots and sticks however, induce or compel desired behaviour.[69] Stedman [70]further creates a distinction between tactical and strategic leverage. Tactical leverage refers to particular instances of action as opposed to strategic leverage which is much wider. While tactical leverage is useful for day today negotiations, and may be applied in the form of time pressure, strategic leverage is better for a grand scheme and long term benefits.[71]

3.3.1 Systems View of Conflict Management

The systems approach was one clear opportunity that presented itself through IGAD's intervention. Recognizing that piecemeal efforts made by each member state did not work, the IGAD Heads of State and Government Summit directed the Frontline states (Kenya, Djibouti and Ethiopia) to collaborate together in finding a lasting solution to the Somalia's problem. The

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[65] Ibid

[66] Marieke Kleiboer, "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution*, Vol.40, No.2, (1996) pp. 360-389

[67] Saadia Touval and I.W. Zartman (eds) *International Mediation Theory and Practice* (Boulder: Westview Press,1985) p.13

[68] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000) pp.132-133

[69] Ibid

[70] S.J. Stedman, *Peacemaking In Civil Wars: International Mediation in Zimbabwe* op.cit.pp. 219-221

[71] Ibid pp. 217-218

systems approach appreciates that although conflicts traditionally are interstate to some extent since the end of the Cold War they have tended to take an internal dimension that invokes the involvement of neighbours. A systemic view of conflict derives from the belief that conflicts grow and enlarge. In this regard, internal conflicts become internationalized by crossing international borders. This happens as a result of spillover effects, refugee movements and other dynamics of proximity. Somalia's conflict internationalized because of the porous borders between Somalia and its neighbours. In addition to porous borders, Kenya, Djibouti and Ethiopia also share Somali populations sympathetic to the course of conflict within Somalia.[72]

This interconnectedness within the region plus history of the people creates what is known as the Horn of Africa conflict system. The understanding of conflict from a systemic view captures common issues in conflict that traverses international borders and has implications for its management.[73] By having a bird's eye view of the conflict it is possible to trace the linkages and to have a holistic rather than piecemeal solution to the conflict.[74] This perception lays bare the problems of piecemeal solutions. The entry of IGAD implied an attempt to address the entire conflict system.[75] Unlike earlier efforts made by Djibouti, Ethiopia and even Egypt, which addressed only portions of the conflict while ignoring others, the IGAD attempt was different.[76] It brought into play all the actors and issues in the region. Whereas the advantage is in the holistic picture of the conflict the challenge lies in the complex process of management that is required.

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[72] For details refer to chapter two
[73] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000) pp.68-70
[74] Ibid
[75] Refer to Chapter Four
[76] Ibid

3.3.2 Endogenous/Exogenous Third Parties

The first major challenge emerges from the question of who should really mediate an internationalized conflict which obviously is entangled with others creating a complex system. In this case the Somalia conflict is part of the Horn of Africa conflict system that encapsulates conflicts within Sudan, Uganda, Kenya, Ethiopia, Eritrea and Djibouti.[77] Traditional literature on third party intervention identifies two distinct kinds of interveners.[78] Whereas a mediator from within the conflict is entangled in it, the contrary seems to be true of one from outside. Consequently, from this perspective an outsider is preferred to an insider. In contrast however, there are those who prefer an insider. They argue that an insider has the advantage of knowing details about the conflict and may have established a relationship with parties to the conflict.[79]

The debate on the suitability of a mediator is pegged on the question of objectivity. Objectivity is useful because it may determine the success of the mediation. In this case, an external /exogenous mediator comes from outside the conflict is capable of being objective. However, being an outsider such a mediator lacks the details of the conflict. As such s/he does not enjoy the advantage of being familiar with the issues, actors and other factors that may bring about success. While the internal/endogenous mediator may not be objective s/he has details of the conflict which are useful in its management.

3.3.3 Heterogeneous Third Parties

The weaknesses of either the exogenous or endogenous mediators undermine their suitability. Current literature therefore recognizes a third kind of mediator who bears both the characteristics of an endogenous and exogenous intervener.[80] The heterogeneous mediator in this

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[77] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op.cit p.85
[78] Ibid
[79] Ibid
[80] Ibid

case is both an insider and outsider. The mediator is an insider, on the basis that s/he comes from within the conflict system but at the same time is an outsider because s/he is not participating directly in the conflict.[81] IGAD therefore is a heterogeneous mediator in its intervention in Somalia.

Whereas the IGAD, TC and later the IFC member states came from within the Horn of Africa conflict system so they knew the details of the Somalia conflict, at the same time they were not directly involved in the conflict itself. Their lack of involvement meant that they could exercise objectivity while the knowledge of details of the conflict was advantageous. The characteristics of being objective and at the same time having a detailed knowledge of the conflict enhanced IGAD's capacity to mediate the Somalia conflict. As a member of IGAD Moi, the TC Chairperson knew some Somali faction leaders and related to them at a personal level. These included Qanyere, Maulid Maane, Hussein Aideed and Osman Ali Atto.[82] Two of these faction leaders Qanyare and Osman Ali Atto had investments in Kenya. These elements increased Moi's leverage over them. Among them also were those, factions leaders some like Osman Ali Atto and Maulid who attended the Nakuru meetings and therefore had rapport with Moi.[83]

3.3.4 Mediation Framework

Prior to the end of the Cold War interventions in Africa were determined by allies, either from the Eastern bloc, led by the Soviet Union, or Western block led by the USA. However, following the end of the Cold War, interventions in Africa were dismal.[84] The West became disinterested and attached many conditions before any involvement. A combination of factors

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[81] Ibid
[82] See details in Chapter Five
[83] Refer to Chapter Four
[84] Olusegun Obasanjo, "A Balance Sheet of the African Region and the Cold War," in E.D Keller and Donald Rothchild (eds) *Africa in the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynn Reinner, 1996) pp.17-21.

explains this attitude. The main one was the death of 18 USA marines in Mogadishu and the chaos that engulfed the Balkans diverting Western attention. This neglect manifested itself in the lack of intervention in the Rwandan genocide, Liberia and Sierra Leone. It is this situation that saw intervention by ECOWAS in Liberia which set a precedent for sub-regional interventions.

The debate on sub-regional intervention is dominated by two contradicting views. Whereas Nye[85] supports this approach, to regional conflicts, others argue on the contrary. Nye points out that sub-regional organizations are better placed because they are nearer to the conflict and can afford to stay long after an agreement to stabilize the situation. Equally, sub-regional organizations have the advantage of understanding the conflict better and may have relationships with the parties. Those who contend however, first argue point out that sub-regional organizations lack the resources and capacity for intervention.[86] Secondly, because of their proximity to the conflict such organizations are entangled with the conflict to the extent that, they lack the legitimacy that an international intervention would have. IGAD's intervention in Somalia when viewed from this perspective had the advantage of an in-depth knowledge of the conflict and relationship with the parties to the conflict. But it also had serious shortcomings the main one being lack of resources.[87] To overcome the problem of lack of resources IGAD partnered with the International Partner Forum (IPF), comprising a consortium of countries willing to provide resources towards the resolution of the Somali conflict.[88]

To legitimize IGAD's intervention reference is made to Chapter VIII of the UN Charter. In this regard, although the UN Security Council is the only organ charged with the task of maintaining international peace and security, provisions in chapter VIII allows it to delegate the

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[85] Joseph Nye, *Peace in Parts* op.cit.
[86] Ibid.
[87] See H.F. Shirwa, "Sub-regional Management of an Internal Conflict in Africa: An Analysis of Djibouti Peace Initiative in the Somalia Conflict," (Unpublished MA Dissertation, IDIS, University of Nairobi, October, 2001)
[88] Refer to chapter Four

responsibility to sub-regional organizations.[89] The discourse on the relationship between the UN and sub-regional organizations in terms of maintenance of international peace and security leads to number of contentious issues. While on the one hand some scholars argue that the UN should delegate and remain aloof, others content and argue that the UN must remain in charge. In this regard, the sub-regional organization is obliged to not only keep the Security Council informed of intended actions, but also seek approval of actions to be taken. IGAD's effort however, took the first perspective and only deemed it necessary to involve the UN towards the end when issues of peacekeeping emerged. This presented difficulties in the first place, the UN took time to authorize peacekeeping which it handed over to Africa Union.[90] Secondly, the peacekeepers could not move in immediately because of an armed embargo imposed by the UN on Somalia. Literary this meant a delay which effectively undermined the activities of the TFG.

The entry of a third party into a conflict only comes when negotiating parties reach a deadlock. The role of the third party is essentially to help parties to a conflict to continue with negotiations. In Somalia the TNG and the SSRC reached a deadlock and could not continue with efforts to resolve their differences on their own. As a result the SSRC blockaded the TNG in a section of Mogadishu.[91] It is this blockade that made the TNG to seek the intervention of IGAD to help resolve the problem.[92]

The impact of the entry of a third party into a conflict is that it changes the dynamics of relationships and in turn affects the structure of negotiations. Literature on negotiation views the structure of the negotiation process as dyad however; the entry of third party changes that into a

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[89] The UN Charter Chapter VIII Article, 52,53,54
[90] Press Release from the United Nations Secretary General, New York, 16th October, 2005
[91] See map in the Annex
[92] Refer to Chapter Four

triad.[93] A solution may in this case be obtained once there is a tilt in the structure because the mediator forms an alliance with one party against another.[94] IGAD heeded the call to mediate the Somalia conflict during the 9th Ordinary session in Khartoum in 2002. The impact of the entry of IGAD in the Somali conflict changed it from simple to complex and its management also became a complicated affair. At the same time it was an opportunity for resolution.[95]

3.4. Theoretical Considerations for Multiparty Mediation

As a basis of understanding mediation, it is important to establish its relationship with negotiations. To understand mediation there is need to examine in details two perspectives. Whereas some scholars view mediation simply as an activity of a third party who is an outsider, others go beyond this narrow view and look at the process.[96] The relationship between the two is captured for example by Touval and Zartman,[97] who acknowledge that mediation is negotiation in which a third party aids parties to a conflict to find a solution that they mutually own.[98] This view is shared by Mwagiru,[99] Bercovitch[100] and Moore.[101] From this understanding therefore, mediation is useful and reviewed as extension of negotiation in different circumstances. The later view is echoed by Bercovitch and Houston who discard the narrow view.[102] The main advantage of a process focused definition is in its ability to examine how the process is carried

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[93] J. Bercovitch, "The Structure and Diversity of Mediation in International Relations," in J. Bercovitch and J. Rubin (eds) *Mediation in International Relations: Multiple Approaches to Conflict Management* (New York: St. Martins Press, 1992)

[94] Ibid

[95] See Stedman for details

[96] See Touval and Zartman, *International Mediation in Theory and Practice* (Boulder: West view, 1985)

[97] Ibid

[98] J. Bercovitch and Houston A., "Influence of Mediator Characteristics and Behavior on the Success of Mediation in International Relations," *International Journal of Conflict Management* no. 4(1993) pp.297-321

[99] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op .cit pp.115-117

[100] Jacob Bercovitch, "The Structure and Diversity of Mediation in International Relations," in J. Bercovitch and J. Rubin (eds) *Mediation in International Relations: Multiple Approaches to Conflict Management op.cit.*

[101] Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (San Francisco: Jossey Bass, 1996) pp.166

[102] J. Bercovitch and Houston A., "Influence of Mediator Characteristics and Behavior on the Success of Mediation in International Relations," op.cit pp.297-321

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out. This study adopts this last definition with the understanding that it will be used to critically analyze the Somali peace process.

A number of changes in the world have affected both the context and nature of international mediation. Some are associated with the end of the Cold War, while others are as a result of the trend in the process of mediation. For example, the end of the Cold War opened up a range of conflicts to the entry and political participation of previously excluded or marginal actors.[103] As such in modern conflicts often more than one-third party is involved. Both Crocker[104] and Berridge [105]concur that this kind of mediation is inevitable in most internal conflicts today.

Conceptually, multiparty mediation refers to a number of things. Conceptually, there are several perspectives of party mediation. From a simultaneous perspective, multiparty mediation involves several mediators working together at the same time. Berridge[106] divides simultaneous multiparty mediation into two. One, he calls coordinated and the other, uncoordinated. Whereas uncoordinated simultaneous multiparty mediation is competitive and parties to the conflict exploit the rivalry, the opposite is true of the coordinated or collective mediation. In this case the mediators are referred to as a contact group.[107] The second, sequential mediation occurs when single mediators intervene one at a time during crucial stages of the cycle of conflict.[108] However, it is important to note that although sequential mediators do not work at the same time, their efforts though, should add up.

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[103] Chester A. Crocker et al, "Practitioner's perspective," in Chester A. Crocker et al (eds) *Herding Cats: Multiparty Mediation in a Complex World* 3rd edition (New York: US Institute for Peace Press, 2003) pp. 49-50
[104] Ibid p.9
[105] see also G.R. Berridge, *Diplomacy: Theory and Practice*, 3 rd edition (London: McMillan, 2005) p. 202
[106] Ibid
[107] Ibid
[108] Crocker et al, op.cit.p.10

Multiparty mediation can also take a composite form. In this perspective intervention is involves an organization or a contact group. IGAD's intervention in Somalia can be considered as both composite and simultaneous. Viewed in composite terms, IGAD's multiparty mediation involved the regional institution, bringing its member states and attracted others from outside the region.[109] At first, frontline states, Kenya, Ethiopia, and Djibouti were the only members of the technical committee, however, after the 10th Ordinary IGAD Summit in Kampala this changed because the TC was replaced by an expanded IFC.[110] The expansion brought on board other IGAD member states; Eritrea, Sudan, and Uganda.[111] From outside the region, came the IPF comprising EU member states, the USA, Arab League and even China.[112]

Literature about it suggests that it may be both detrimental and useful depending on how the mediation process is managed. [113] In this regard management entails cohesion and building consensus in decision making. Cohesive behavior of actors however, is pegged to the motive for intervention in the first place.

Debate on mediator motives for intervention is characterized by two contrasting views. While on the one hand, the motivation to intervene is driven by self interest, on the other, it is for humanitarian and altruistic reasons.[114] Mediation entails costs and risks for the parties and for the mediator. Failed mediation efforts can reduce the prestige of the third-party, thus undermining its relations with the parties and limits its effectiveness in other mediation efforts. Because of costs and risks involved in mediation, mediators intervene only in, conflicts that they have an interest in or a previous relationship with. It is not surprising, given its close relationship with Israel and

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[109] A synopsis of multiparty mediation can be found in Loius Kriesberg, "Coordinating Intermediary Peace Efforts," *Negotiating Journal* 12, no.4 (1996) pp. 341-352 see also Victor H. Umbritch, *Multilateral Mediation: Practical Experiences and Lessons* (The Hague: Martinus Nijhoff, 1989) pp.
[110] See Chapter Five
[111] See Chapter Four
[112] See Chapter One
[113] See Touval and Zartman, *International Mediation in Theory and Practice* (Boulder: West view, 1985)
[114] Ibid

the importance of the Middle East that the United States gets involved with the Israeli-Palestinian conflict, for instance.

3.4.1 Motives of Regional Mediators

IGAD member states similarly, had close ties with the factions in Somalia. On this basis the motive for intervening was not only the conflict but also its outcome. Djibouti an ally to the TNG and later the NSC directly competed with Ethiopia which supported the SRRC. The mediation process became an extension of their competition. While Djibouti wanted the outcome to benefit TNG on the one hand, on the other hand Ethiopia opposed this and sought to ensure the SRRC benefited. The competition among them consequently, undermined IGAD's discriminating capacity and weakened IGAD it as an institution. Bercovitch and Houston[115] acknowledge that interaction between mediators, who have resources and an interest in the conflict or its outcome, and the protagonists or their representatives, is usually complex and dynamic. From this perspective three states Uganda, Ethiopia and Kenya were in competition for dominance. While Uganda sought regional hegemony originating from president Museveni's ambition and claims of being the longest serving sitting president after Moi retired end of 2008. Ethiopia pegged its claim to population size.[116] Obviously, all the three states had high stakes in the outcome of Somalia.[117] Whereas the outcome would improve Meles' and Museveni's standing in regional politics, they also viewed it as a means to advance their relationship with the West especially the USA.[118] The latter wanted an indirect way of keeping tubs on Somalia after

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[115] Jacob Bercovitch, "Mediation in International Conflicts: Theory and Practice," in I W. Zartman (ed) *Peacemaking in International Conflict: Methods and Techniques*. op.cit. pp.167-170; see also J. Bercovitch and Judith Fretter, "Regional Guide to International Conflict and its Management, " *Washington DC Congressional Quarterly* ,2004
[116] Refer to Chapter Five
[117] See Chapter Four
[118] Ibid

the decade of 1993. The competition was not only between the two but also between them and president Moi of Kenya in 2002.

Although the two had good relations with the West, Moi did not. Moi however, still had regional supremacy because of his long years as president in the region and the strength of Kenya's economy. Compared to Ethiopia and Uganda which were just coming out of war, Kenya had many years of stability which gave it advantage. Similarly, Kenya boasted of many years' experience of involvement with conflicts both within and beyond the region. Kenya's involvement was for both personal and strategic reasons. Strategically, Kenya is one of the key players in the Horn of Africa due to its strong economy. From this perspective, Somalis welcomed Kenya as a potential partner. Unlike Ethiopia and Djibouti Kenya sponsored no factions in Somalia and this gave it an added advantage. At a personal level President Moi in 2002, aimed at protecting his interest and to create a legacy in regional peacemaking and statesmanship.[119] It is on this basis that Moi first arranged the Nakuru meetings in 2000 as a way of watering down what he perceived as Ethiopia's growing influence in Somalia. However, the dynamics changed drastically after December 2002, when Moi retired and Kibaki took over. The latter re-orientated of Kenya's foreign policy away from regional politics, conflict intervention and instead, focused on internal problems.[120]

Outside the region other states like Egypt, also eyed the outcome. Its involvement was the dual purpose of strategic and national interest. For her national interest, the control of the Nile waters is important, so activities of all lower riparian states, Sudan, Ethiopia, Kenya and Uganda are monitored closely. Apart from that, Egypt shepherded the entire Arab League to participate in

[119] See Chapter Four
[120] See Chapter Five

Somalia as a way of regulating the agenda of these Christian states within Somalia. In protecting the Islamic interest, Egypt gained support from other Muslims states, like Yemen and Libya.

Kenya and Ethiopia had other related interests concerning security. With a proportion of their populations being of Somali descent, the two states were uncomfortable with any unfriendly governments in Somalia. The fear was that such a government could revive the irredentist jingoism of a Greater Somalia. Historically, while the 1966 *Shitfa* wars informed Kenya's fears, Ethiopia recalled the 1977 Ogaden war.[121] Apart from irredentism, a second security concern directly emanated from the turmoil in Somalia. Due to the huge refugees' influx and the proliferation of small arms into these two countries, there was cause for worry.

Other national interests like trade also informed the situation. The need for an alternative sea port for Ethiopia after its disagreements with Eritrea made it see the situation. Somalia's Berbera port is an attractive alternative. Djibouti on its part was primarily concerned with refugees and its sympathy to *Isaaq* clan who also form a majority of its population. Uganda's was purely prestige in the region and other gains from beyond.[122]

The different objectives made the multiparty intervention more complex than anticipated. In conclusion the view that the motivation is based on humanitarian and altruistic reasons is rejected on the basis that mediation involves risks and expending resources as shown in the above case. This implies that basically intervention is determined more by self interest. It follows therefore, that the intention of the IGAD mediators was to protect their interest above the concern for Somalis and this explains the chaos that necessitated management of the mediation

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[121] See a detailed analysis in Chapter Two
[122] Ibid

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process. It therefore required proper and skillful management of the divergent regional and non regional interests that came into play.[123]

3.4.2 Motives of Internal and External Mediators

Beyond the region Somalia attracted far off states like Britain, Sweden, Norway, Italy, the USA and China just to mention a few.[124] These states agreed to support IGAD with logistics and resources. Although external groups offer crucial support in mediation effort, there is need to study carefully and discover who in this external environment is an ally or an adversary in the context of mediation.[125]

The primary driving force for some of the above states was previous history shared with Somalia. They were simply colonial powers and wanted to be active in mediating the conflict on the basis of shared emotional ties that present even after the colonial tie is broken. Britain, for example, participates on numerous mediation efforts involving former colonies that remained part of the British Commonwealth. Similarly, France takes an active role francophone one. In the Somalia case, Britain and Italy came to support IGAD's effort as former colonial masters, in addition to their international interests.[126] Huge economic interest especially on banana plantations drove Italy's involvement.[127] Portugal involved itself in Indonesia with regards to the fate of East Timor and similarly because of the importance of the colonial history between the United States and the Philippines, the United States has often been mediating conflicts involving the Philippines. Within Somalia, Britain's interest was the protection of Somaliland which was seeking international recognition after repudiating the 1960 union agreement with Italian Somalia.

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[123] See Chapter Three
[124] Refer to Chapter Four
[125] Chester A. Crocker, Fen Osler Hampson &Pamella Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases* (Washington DC: United States Institute for Peace Press, 2004) pp. 107-109
[126] Refer to Chapter Two
[127] Ibid

The 1998 bombing of US embassies in Kenya and Tanzania (by cells of Al Qaeda who operated from Somalia) led to the emergence of terrorism war. This determined the involvement of USA. While Sweden viewed this as an opportunity to offload the huge Somali refugee population within its territory; Norway came because of its policy as a peacemaker. From this analysis, Egeland[128] observes that while it is helpful to have external groups, it is important to be weary because the multiplication of actors within a conflict also multiplies the issues that must be addressed. In this regard, the whole question of Somalia's conflict and its outcome became heavily intertwined with external interests, thus adding to the complexity of the whole conflict.[129]

Scholars like as Stuyt[130] consider arbitration as a mechanism that is used very often in dispute resolution. From a theoretical perspective arbitration unlike adjudication involves referring a dispute to an *ad hoc* rather than to permanently established court for binding decisions. In contrast to normal juridical processes of courts, arbitration is solely consensual. Consequently, arbitrators can render a binding decision only in situations where the parties concerned have expressly or implicitly consented.[131] Arbitration as a mechanism in the Somalia context was viewed as a useful internal tool to regulate differences among the Somali factions. In this regard the Charter recognized the role of the traditional elders and religious leaders to moderate faction interests. Whereas theoretically, the mechanism would have been a regulatory measure, practically it became a tool that was misused by the Somalis, their allies and the IFC.[132]

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[128] See A.M Egeland, (ed) International Mediation, 3rd edn (Dordrecht: Nortin, Nijhoff, 1990
[129] Refer to Chapter Two
[130] See Alexander, M., Stuyt (ed) *Survey of International Arbitrations*, 1794-1989, 3rd edition (Dordrecht: Martin Nijhoff, 1990)
[131] Richard B. Bilder, "Adjudication: International Arbitral Tribunals and Courts," In I.W. Zartman (ed) *Peacemaking in International Conflict*. op cit pp. 198
[132] See Chapter Seven for detailed discussions.

While in theory arbitration mechanisms are typically constituted to address a single dispute, in practice some have been established to deal with a number of related disputes over a period of time.[133] On the basis that parties specifically agree to arbitration but are unlikely, to do so unless they believe they can "live with" an adverse decision, it is not surprising that most parties comply with arbitral decisions or awards. However, this is not to deny the fact that disputes often arise with respect to decisions particularly, where a losing party claims that the arbiter exceeded his/her authority or failed to do what was asked under the *compromise* and that consequently its *award* is a nullity.[134] The advantage of arbitration is that it offers the parties the flexibility to select the arbiters, decide the scope of the issue and the procedure of the tribunal.[135]

3.5 Theoretical Considerations about the conditions for successful mediation

Mediation as a mechanism for conflict management is increasingly gaining popularity in contemporary intra-state conflicts.[136] Numerous civil wars like those of Zimbabwe,[137] Mozambique,[138] and El-Salvador[139] ended through negotiated solutions. Mediation can be conceived in terms of who is involved or as a process. In the latter case, mediation is part of the broader process of conflict management according to Bercovitch and Houston.[140]

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[133] Sandra Cheldelin, "Mediation and Arbitration," in Sandra Cheldelin, Daniel Druckman, and Larissa Fast (eds) *Conflict: From Analysis to Intervention* 2nd edition (New York: Continuum, 2003) pp.295-299

[134] A *compromise* is the agreement between the parties establishing the mechanism while an *award* is actually the decision reached through an arbitration process.

[135] Richard B. Bilder, "Adjudication: International Arbitral Tribunals and Courts," In I.W. Zartman (ed) *Peacemaking in International Conflict*. op cit pp. 195-206

[136] See Jacob Bercovitch, "The Structure and Diversity of Mediation in International Relations," in J.Bercovitch and J.Z. Rubin (eds) Mediation in International Relations (New York: St. Martin's Press, 1992)

[137] S.J. Stedman, *Peacemaking In Civil Wars: International Mediation in Zimbabwe* op.cit.

[138] Andrea Bartoli, "Mediating Peace in Mozambique: The Role of Community Sant'Egidio," in Chester A. Crocker et al (eds) *Herding Cats: Multiparty Mediation in a Complex World* 3rd edition (New York: US Institute for Peace Press, 2003) pp 245-247

[139] Alvaro de Soto, "Ending Violent Conflict in El Salvador, " in Chester A. Crocker et al (eds) *Herding Cats: Multiparty Mediation in a Complex World* 3rd edition op.cit. pp 345-348

[140] J. Bercovitch and Houston A., "Influence of Mediator Characteristics and Behavior on the Success of Mediation in International Relations," *International Journal of Conflict Management* no. 4(1993) pp.297-321

A process focused definition enables the process examination of itself. Two main schools of thought dominate the process definition of mediation. Whereas the first school perceives mediation as a non coercive process, the second, views the process as coercive and power-based. What sets international mediation apart from other forms of mediation efforts is the requirement for consent to the mediation process. In this respect although mediation differs from negotiation in its inclusion of a third party, both processes rely on voluntary participation of the disputants and their preserved "right to accept or reject suggestions made by the mediator.[141]

3.5.1 Theoretical considerations in Multiparty Mediations

Today, there is an avalanche of new mediators leading to the concept of multiparty mediation. In modern conflicts it is not possible for one institution or state to fulfill these requirements and often more than one-third parties is necessary to prepare and establish a way to peace[142]. Crocker argues that this kind of mediation is an inevitable occurrence in most internal conflicts today[143]. Multiparty mediation only makes sense in his view, if bringing other people benefits the relationship and increases bilateral and multilateral leverage.[144] For former colonial powers, in particular, mediating conflicts involving their ex colonies, is determined by the previous history shared. In this sense, the colonial power and the colony maintains emotional ties that persist long after the colonial tie is broken.[145] This creates a natural set-up for multiparty mediation. Literature on multiparty mediation indicates that it has both benefits and disadvantages[146].

By introducing multiple actors in a conflict the issue of management becomes crucial. Management here entails cohesion and building consensus for decision-making.

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[141] Pruitt and Carnevale 1993: 103
[142] See Chapter Five
[143] Chester Crocker et al, *Herding Cats: Multiparty Mediation in Complex World* (Washington DC: United States Institute of Peace Press, 1999) p.108
[144] Ibid
[145] Ibid
[146] See Touval and Zartman, Saadia Touval and I.W. Zartman, "Mediation in International Conflicts," in Kenneth Kressel and Dean Pruitt (eds) *Mediation Research* (San Francisco: Jossey Bass,1989) p.291

However, cohesion and behaviour of actors is pegged on what motivates the actors to intervene. The debate on why mediators intervene in the first place, is dominated by two contrasting views. Whereas one view captures self interest, the other emphasizes humanitarian and altruistic concerns.[147] The fact that mediation involves risks and expending resources can only imply that the main motivation is self interest. Under such circumstances multiparty mediators are expected to protect their interest above humanitarian concerns. While on the one hand the ability to support each other's efforts is one clear benefit of multiparty mediation, on the other things can get bad if the parties intentionally undercut each other's efforts.[148] Success in multiparty mediation is therefore subject to proper coordination.

When leaders are optimistic of success they are easily willing to participate in negotiations. The "readiness theory," argues that an actor's readiness for conflict resolution is a function of both motivation to end the conflict and optimism about the success of negotiation. In a statement of this theory, Zartman[149] identifies two conditions necessary, though not sufficient, for negotiation. First, a mutually hurting stalemate where both parties realize they are in a costly deadlock that they cannot escape by escalating the conflict. Secondly, a mutually perceived stalemate motivated by a recent or impending catastrophe out of which both sides foresee that "a negotiated solution is possible. Negotiation will only start if there is some degree of readiness on both sides and some degree of ripeness. The greater the readiness and ripeness, the more likely is negotiation to occur. In this case, as readiness (or the components of readiness) increases on both sides of a conflict, negotiation is more likely to begin."[150] This implies that readiness allows

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[147] Ibid
[148] Ibid
[149] I.W. Zartman, "Ripeness: The Hurting Stalemate and Beyond," in Paul Stern and Daniel Druckman (eds) *International Conflict Resolution After the Cold War* (Washington DC: National Academy Press, 2000) p.228
[150] Ibid

parties to be motivated mainly by a belief that they cannot win due to costs of the conflict, and still, may risk a future catastrophe or pressure from a powerful third party.

A persistent criticism of ripeness theory is that it lacks a political dimension.[151] The theory is entirely focused on leader decision making, which is a useful, but ignores the internal political processes that influence-and often override or substitute for-leader decision making. This amendment is especially important when decision making is decentralized or when there are sharp differences of outlook among people who can influence the course of the conflict. Readiness theory allows us to analyze those political processes by looking at the willingness for negotiation among various factions comprising a polity rather than looking only at leader readiness.

To understand the factors that contribute to effective negotiation one must take into account both the actors and the context. While most literature examines the history of the conflict, the parties and the particular issues around the negotiations, some also suggest a closer look at the individual actor.[152] Literature of the first nature argues that in every conflict there are issues over which the parties are struggling. The issues tell not only what drives the parties but also the needs of the parties. It is these issues that must be addressed before the conflict ceases.

3.5.2 Theoretical considerations in Success in Complexity

According to Zartman[153] managing complexity is a structural problem that presents two possibilities. The first is coalition analysis where the presence of several parties is seen as an opportunity and possibility of grouping that reduces the complexity to become bilateral. Indeed, the Somali parties on many issues formed different coalitions through groupings on the basis of

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[151] Richard Haas, *Conflict Unending: The Unites States and Regional Disputes* op.cit, and Stephen.J. Stedman *Peacemaking in Civil War: International Mediation in Zimbabwe 1974-1980*
[152] Jeffrey Rubin, "Actors in Negotiation," in Victor Kremenyuk (ed) *International Negotiation: Analysis, Approaches, Issues* (New York: Jossey Bass, 2002) pp 97-100
[153] I.W. Zartman & Rasmussen, J.L. Peacemaking in International Conflict: ...*International Multilateral Negotiation: Approaches to the Management of Complexity* (Lanham: University of America, 1997)

affiliation. On the contrary, if negotiators fail to form a coalition, then they group across an issue to piece together an agreement.

International context in which any conflict takes place also affects the outcome of mediation efforts. In particular, the impacts of the parties and of the conflicts taking place simultaneously are deemed relevant. Economic political pressure exercised by other powerful parties with a stake in the outcomes of conflict may encourage but also frustrate conflict resolution efforts. Especially governments of countries in civil wars are pressured by their neighbours who are bothered by streams of refugees.[154] Other parties may also hinder the mediation process. A second aspect of international context that might influence mediation outcomes are events or conflicts that take place at the same time. Kreisberg[155] argues that in so far as a particular conflict salience declines when other fights become of greater importance to one or more of the adversaries, de-escalation is more likely to occur.

The outcome of mediation is contingent to both contextual and process variables; thus the behaviour and activities of the mediator. Mediator behaviour is viewed in terms of strategies and more specific tactics (techniques).[156] Both strategies plus tactics are generally described on an ascending scale of mediator involvement. Mediator involvement oscillates between the passive and active modes. In mediation literature, two classifications of strategies emerge. The first by Kressel,[157] the second by Touval and Zartman. Kressel discerns three categories of strategy: Reflective behaviour, non-directive behaviour and directive behaviour.

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[154] Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies — The Sudan Conflict* (Boulder, CO: Westview Press, 1987), pp. 7-. 2.
[155] Louis Kreisberg, and Stuart J. Thorson (eds) *Timing the de-escalation of International Conflicts* (New York : Syracuse University Press, 1991) pp 20
[156] I.W. Zartman *Elusive Peace: Negotiating an End to Civil Wars* (Washington DC: The Brookings Institution 1995)
[157] K. Kressel and D. Pruitt "Conclusion: A Research Perspective on the Mediation of Social Conflict," in K. Kressel and D. Pruitt (eds) *Mediation Research: The Process and Effectiveness of Third –Party Intervention* (San Francisco: Jossey Bass) pp 394-435

The three are passive, proactive or active. The reflective strategy produces knowledge that informs action about issues and the parties. While non-directive ones offer opportunity for the parties to arrive at a mutual solution on their own, the directive ones however seek to remain palate the parties directly to familiarize with the disputes and to establish the grounds work upon which later actions would be built. Their purpose is to reduce the degree of complexity and uncertainty inherent in any international conflict by producing knowledge and information about the conflicting issues and parties. The mediator tries to achieve some convergence of expectations by reducing distortions, ignorance, misperceptions, or unrealistic intentions. [158]

Non-directive behaviour is more proactive and involves efforts at increasing the chance that the disputants themselves with minimum help from the mediator, will arrive at a mutually acceptable solution to their conflict for example the mediator may control publicity, the conflict the conflict management environment (choosing central venue) and resources (such as number and identity of the parties) to affect the structure of the mediation. However, directive behaviour on the other hand, involves strategies by which the mediator actively encourages specific solutions or seeks to manipulate the parties directly with ending the dispute. Directive behaviour Touval and Zartman[159] distinguish between three principle mediator roles: communicator, formulator and manipulator.

The communicator's role is passive while the forumulator is innovative. The manipulator however uses leverage. The two categories merge. This means that Kressels reflective mediator is more or less a communicator. In this regard, the mediator passes on information and knowledge. His non-directive strategy produces a formulator or proactive mediator, with

[158] Ibid
[159] I.W. Zartman *Ripe for Resolution: Conflict and Intervention in Africa.* (New York: Oxford University Press 1985)

innovative thinking. The directive strategy is indicative of a mediator who is immersed in the problem and uses leverage to manipulate parties.

Bercovitch, Anagnoson and Wille [160]analysed empirically the relations between mediator strategies and mediation success and concluded that more active mediation strategies are more effective in international mediation. In this case, active strategies affect and are responsive to a wider variety of dispute situations than less active strategies. Kochan[161] however, cautions of the danger of premature use of active strategies. In this thinking, it may ruin the mediator's credibility and accessibility. He argues that when conditions are not ripe for settlement a mediator should refrain from active or aggressive tactics. When the conditions are ripe however, a settlement may not occur unless the mediator engages such tactics.

3.5.3 Theoretical considerations in Issues of Coordination

Coordination among multiple conflict resolution interventions has become an increasingly important issue as the number and variety of interveners has proliferated beyond traditional diplomatic and state actors. As Crocker, et. al[162] pointed out; "...The issue that immediately arises is how these very different sets of actors might coordinate their diverse activities in conflict analysis and resolution so that overall efficiency and effectiveness are enhanced rather than diminished by their multiple efforts...The analysis takes place within the context of how to improve coordination among multiple actors. Kriesberg[163] makes the first attempt to address of the issue.

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[160] J. Bercovitch, J.T. Anagnoson, and D. Wille *"Some Contextual issues and Empirical Trends in the Study of Successful Mediation in International Relations,"* *Journal of Peace Research* Vol. 28 (1991) pp 7-17
[161] T.A. Kochan & T. Jick, "The Public Sector Mediation Process: A Theory and Empirical Examination," *Journal of Conflict Resolution* Vol.22 (1978) 209-304
[162] See Chester Crocker et.al (eds) *Herding Cats: Multiparty Mediation in a Complex World* op.cit pp.
[163] Louis Kriesberg, "Coordinating Intermediary Peace Efforts, " *Negotiating Journal*, Vol.12 (1996) pp.341-352

Both Kriesberg[164] and Crocker et al[165] identify a number of difficulties associated with multiparty efforts. These include, mixed messages that raise different expectations amongst adversaries, competition among intervenors to avoid blame for failure or gain resources and recognition for success. Through effective coordination, it is hoped that different actors may make complementary contributions in simultaneous, sequential or composite mediations. Although the contingency model does not explicitly address coordination, it is clear that exchanging information and providing for handling off the responsibility is required. Saunders [166] beyond this provides a context for understanding coordination among multiple interveners within a multi-level peace process.

Saunders concludes that in a peace process, the basis to a comprehensive strategy based is complementarity. In his view, complimentarity brings different conflict resolution interventions to enhance each other's impacts. Coordination is thus distinct from the concept of either simultaneously or sequentially.

Nans[167] work provides the most explicit framework for analyzing coordination in conflict resolution across a spectrum of a class. In her view there are four types of coordination; information sharing, resource sharing, collaborative strategizing and collaborative partnership. In her conclusion, she views complementarity as subject to all types of coordination, though it is maximized through joint strategizing and partnering.

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[164] Ibid

[165] See Chester Crocker et al (eds) *Herding Cats: Multiparty Mediation in a Complex World* op.cit pp.

[166] Harold H. Saunders, "Pre-Negotiation and Circum-negotiation: Areas of the Multilevel Peace Process, " in Chester Crocker et.al, *Turbulent Peace: The Challenges of Managing International Conflict* (Washington DC: United States for Peace Press, 2001) pp. 483-496

[167] Nan Susan Allen, "Complimentarity and Co-ordination of Conflict Resolution Efforts in the Conflicts over Abkhazia, South Ossetia and Transdniestra," *Unpublished PhD dissertation*, Fairfax V.A: George Mason University, 1999 p. 372

3.6 Conclusion

The Chapter focused primarily on the contribution of different theories in the analysis and understanding of the Somalia conflict and its management strategies. Most of the lessons learnt from these theories have come from information gathered and the literature review. What is very crucial is the need for flexibility in seeking alternative explanations that may lead to a viable solution to the problem. What emerges is that the Somali conflict calls for a change of the paradigm of negotiation. The circumstances leading to successful negotiations have not only been enlarged but also shifted focus and understanding of conflicts. Fundamental in this vision a useful frame work for analysis should address itself not only to historical and geographical factors but also short-term factors like poor leadership, ethnicity and regional geo-politics that render conflicts irresolvable.

There is no doubt that negotiation is practice that in every indication is increasingly being used to end civil wars. Evidence of its usage is documented in many cases that have been studied. As such its framework should appreciate the need to adopt systemic view that is sensitive to diverse actors and their interests. Although theoretically difficulties arise its advantages outweigh the disadvantages thus rendering it a more realistic tool for resolving conflicts. Despite this, it is important to carefully deal with some of the challenges that may render the approach ineffective ending in civil wars.

The belief that the Somalia conflict in the first place is highly internationalized makes it amenable to this mode of resolution. However, the complexity that comes with entry of multiple actors and issues begs the question of coordination. This chapter consolidates the knowledge about mediators and mediation and equally adds to a better analysis and understanding of the nature of negotiations among factions. In this task it concludes that there is need to re-examine

further the circumstances that determine the success or failure of complex negotiations with diverse actors, interests and issues.

CHAPTER FOUR

THE PRE NEGOTIATION PHASE OF THE SOMALI PEACE PROCESS

4.1 Introduction

The last chapter revisited captured the theoretical basis for understanding the conflict and its management. It demonstrates how the theoretical considerations explain the analysis of the conflict and its management. The chapter edified the whole thesis by creating a rallying point. This chapter begins examining the effort made during the 14th Conference to resolve the Somali problem. The main aim of this chapter is to describe, explain the mechanisms put in place to address the conflict. The chapter analyzes the tools used and the process. Such an analysis brings to bear the application of literature from Chapter One, and how the issues raised in chapter two, are addressed. The Chapter attains this objective by focusing on a detailed examination of the preparatory process.

4.2 Pre-Negotiations Positions

Pre-negotiation in modern negotiations processes precedes the round table talks. While it commences when one or more parties considers negotiation and communicates its intention to the other parties, it ends when the parties agree to formal negotiations or when one party abandons the consideration of negotiation as an option.[1] Both Saunders[2] and Zartman[3] contend that pre-negotiations contribute significantly to actual negotiation process. In this regard, whereas successful pre-negotiations on the one hand, increases the chances of the negotiations

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[1] Daniel Druckman, "Determinants of Compromising Behaviour in Negotiation: A Meta Analysis," *Journal of Conflict Resolution*, Vol. 38, No.3 (1994) pp. 507-556

[2] Harold H. Saunders, "We Need a Larger Theory of Negotiations: The importance of Pre-Negotiation Phase," *Negotiation Journal*, Vol.1 (1895) pp.249-262

[3] I.W. Zartman, "Ripening Conflict, Ripe Moment, Formula and Mediation," in D.B. Bendahamane & J.W. McDonald (eds) *Perspectives on Negotiations: Four Case Studies and Interpretations* (Washington: Foreign Service Institute, 1986) pp. 205-227

proceeding well, failed pre-negotiations on the other hand, may translate to a failed negotiation process.

Pre-negotiations in the Somali case began when the Transitional National Government (TNG) from a position of military weakness called for dialogue with their adversaries, the Somali Reconciliation and Restoration Council (SRRC). The latter successfully confined the TNG to a section of Mogadishu with the support of Ethiopia.[4] This call by the TNG was informed by the belief that they would use the negotiations to secure undisputed leadership in Somalia. In this regard, the TNG banked on rallying international and local support to pacify their adversaries, particularly, the SRRC. The TNG first appealed in 2001 to President Daniel Arap Moi of Kenya, perceived as a regional power broker in the Horn of Africa in matters of peace.

Whereas the TNG was prompted by its military weakness, other Somali parties accepted the negotiations for different reasons.[5] The SRRC especially, felt militarily superior and could not come to the table. However, it considered this option on the basis of lack of an outright military win on the offing. In this sense, the SRRC preferred talks to fighting. The latter was becoming tricky and expensive; therefore the talks gave a cheaper way to pursue political power. Additionally, participation in the negotiations may be explained in terms of external pressure. In this sense, Djibouti pressurized the TNG and, Ethiopia did the same to the SRRC. The two patrons encouraged their allies on the basis of their national interests. Ethiopia's encouragement (for SRRC participation) was a measure to water down TNG's claim to legitimacy as the government of Somalia, Djibouti on its part viewed the talks as the peddle stone to consolidate

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[4] I.M.Lewis, *A Modern History of Somali: Nation and State in the Horn of Africa* 4th edn (Oxford: James Curry, 2002) p.xv

[5] See Chapter Two

the TNG's gains in Somalia. In this regard, the outcome of the negotiations was highly strategic to the two patrons.

4.2.1 The IGAD's Council of Ministers and Technical Committee for Somalia

The decision by Intergovernmental Authority for Development (IGAD) to tackle the problem in Somalia, institutionalized the pre-negotiations phase. The process began with the establishment of the Council of IGAD foreign affairs ministers, charged by the summit to implement the directive given by the 8th and 9th Assembly of heads of state and government. The Council's role was to coordinate and facilitate the Somalia National Reconciliation Conference.[6] At the time of its inauguration the council comprised, Marsden Madoka of Kenya, Seyoun Mesfin of Ethiopia, Ali Abdi Farah of Djibouti, Col. Kahinda Otafiire of Uganda, Tewelde Woldamekael of Eritrea and Osman Ismail of Sudan. The first council meeting was in Kenya on 8th February, 2002. Attala Bashir the then executive secretary of IGAD also attended it.[7]

The first chair was Kenya's Minister for Foreign Affairs Masden Madoka. In 2003, Kalonzo Musyoka took over as the new minister for Foreign Affairs replacing Madoka. After the constitutional referendum of 2005, however, Kalonzo was dropped, and John Koech, then minister for East Africa and Regional Cooperation replaced him.[8] This implied that the management of the process also shifted from the Ministry of Foreign Affairs to that of East Africa and Regional Cooperation. Unlike Kenya and Uganda who changed their ministers (the latter from Col. Kahinde Otafiire to Wapakhabulo and later Augustine Nshimiye), Ethiopia and Djibouti maintained Seyoun Mesfin and Ali Abdi Farah respectively throughout the peace

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[6] Resolution 2(d) of the 9th Summit of IGAD Assembly of Heads of State and Government on Somalia, Khartoum, 11th January, 2002

[7] "Introduction," "Introduction," Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002

[8] David Mugonyi, "Kalonzo Fired from the Peace Talks," *Daily Nation*, Nairobi, 27th August, 2004, see also chapter Four for a detailed analysis of these changes.

process. This gave the two the strategic advantage of continuity over Uganda and Kenya. Discontinuity in any negotiations may lead to apprehension which impacts negatively on diplomatic momentum.[9]

Two problems were confronted by the council. The first was connected with the venue. Apparently, not all Somali factions were sufficiently consulted when the summit took the decision that Kenya, should host the reconciliation conference. Apart from a portion of TNG and SRRC most of the other groups had not attended the Nakuru talks, were in darkness.[10] It is the Nakuru meeting that Maulid Maane (Secretary General SRRC), Osman Ali Atto and Mohamed Qanyere established rapport with president Moi and helped hatch a strategy in which Kenya would host the next Somali Peace Conference.[11] Moi was happy with the results of the Nakuru meeting because they helped him in his bid to step in Somalia and check Ethiopia's growing influence. However, while some Somali groups viewed Kenya as more neutral arbiter, on the other, some groups did not. This was the case with a section of the SRRC that felt uncomfortable with Kenya. Diplomatic pressure by IGAD member states to subdue this groups opposition. The pressure came in the form of a threat. In this sense, all to those who did not cooperate were informed that they would be held liable for war crimes and crimes against humanity.[12] Internally, the groups also feared that those who did not participate in the talks would be locked out of the new political dispensation.

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[9] G.R. Berridge, *Diplomacy: Theory and Practice* 3rd end (London: Palgrave,) pp. 62-63, see also Chester Crocker, "Peacemaking in Southern Africa: The Namibia-Angola settlement of 1988," in Crocker et .al, *Herding the Cats: Multiparty Mediation in a Complex World* (Washington DC: US Institute of Peace) p. 227-229
[10] "Introduction," Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002
[11] Interview Maulid Maane, Chairman, SAMO/SRRC Nakuru, Eldoret,16th December, 2002
[12] Eliud Chisika, "Warlords Face Action by IGAD," *East African Standard*, Nairobi, 6th March, 2003, see also Abebe Andualem, "AU Threatens Sanctions Against Somalis," *Associated Press*, 21st March, 2003

The Council of Ministers in its Meeting on 14th February 2002, set up a Technical Committee (TC) to run the peace process on its behalf.[13] The membership of the TC comprised originally special envoys, nominated by three frontline states; Kenya, Ethiopia, and Djibouti. As hosts, Kenya provided the Chair of the TC. Kenya's first special envoy was Elijah Mwangale who served up to December 2002.[14] He was replaced by Bethuel Kiplagat whose term ended in early 2005. Ishmail Goulal Boudine, his assistant Mohamed Siad Duale and Abdullaziz Ahmed were the other members of the TC. Apart from these other members of the TC were Attala Bashir the Executive Secretary to IGAD, a representative of the USA and EU and consultants for the committee. The latter group (the trio and the consultants) attended the TC as *ex-officio* members. This implied that their role was confined to technical advice and budgetary matters, but not decisions of a political nature.[15]

The TC operated until the 10th Ordinary session of IGAD Summit held in Kampala from 20-25th October, 2003.[16] This Summit approved the decision to replace the TC with an expanded IGAD Facilitation Committee (IFC)[17] on the recommendation of the Council of Ministers and the request made by the chair to the TC.[18] While the TC comprised the front line states only, the IFC however, comprised all IGAD member states. Although Sudan joined the IFC, it remained active due to its own internal problems, unlike, Eritrea and Uganda. The new composition of the IFC had the impact of changing the dynamics of managing the peace process.

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[13] "Introduction," Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002

[14] Reuters, "Somalia: Mwangale dropped as negotiator, " *East African Standard*, Nairobi, 21st January, 2003

[15] For details on the role of IPF see, "IGAD Cooperating Partners," *IGAD News*, Issue 1, March-April, 2002

[16] "IGAD leadership Moves to Uganda," *IGAD News*, Issue 9, October, 2003

[17] The *Communiqué* of the 10th, Ordinary Summit of the Heads of State and Government, Kampala, 20-25th October, 2003, Kampala, 25th, October, adopted the recommendation of the 22nd Session of IGAD Council of Ministers to include Eritrea, Uganda and later Sudan in the IGAD Facilitation Committee for Somalia Peace Process.

[18] "Challenges Facing the Conference and Recommendations ," A *Memo*, from Ambassador Bethuel Kiplagat Kenya's Special Envoy and Chair to IGAD TC, to Hon. Stephen Kalonzo Musyoka, Kenya's Minister For Foreign Affairs, Nairobi, 9th October, 2003

The TC's Mandate was to draw its terms of reference, identify and invite delegates for the peace talks, work out a budget and facilitate the Peace Process.[19] In its first meeting held from 3-5th April, 2002, the TC agreed on terms of reference for the Conference[20] by adopting three principles; inclusivity, unconditional participation and broad based representation.[21] Despite this progress hostilities emerged between two of its members, Ethiopia and Djibouti.[22] The two with a long history on Somalia conflict their national interest to protect differed. The first problem between the two started during the preparatory meeting called to organize a visit to Somalia. The purpose of the trip was to identify the delegates who could attend the Peace Process.

During this mission the first disagreement on the criteria for selecting the delegates emerged.[23] Whereas Ethiopia insisted that all those controlling territories should be invited to the Conference, Djibouti objected on the basis that the territories were illegitimate. The rationale for Ethiopia's argument was that it is such groups that can make peace that is implementable on the ground. Djibouti's objection to this suggestion came from their view that most of these individuals were warlords and had no intentions for peace. However, it is important to know that behind the disagreement were hidden agendas. Those with territory belonged to the SRRC an ally of Ethiopia, perceived by Djibouti as the ones frustrating the TNG government of Abdikassim set up at Arta, Djibouti, in 2000. Consequently, Djibouti withdrew from this trip accusing Ethiopia of trying to stage manage the choice of delegates to the conference.[24]

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[19] *Joint Communiqué*, IGAD Council of Foreign Ministers' Committee Meeting on Somalia, Nairobi, 14th February, 2002

[20] "Somali Peace Process: IGAD Technical Committee on Somalia Moves Ahead Despite Challenges, " *IGAD News*, Issue 1, March-April, 2002

[21] Ibid

[22] Ibid

[23] The basis of invitation was territorial control and military strength. The purpose of the mission was to verify this. Invitations were also extended to deputies of the faction leaders in order to clear the ground of any trouble makers.

[24] "Introduction," to the Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002.

Despite this, other members of the TC travelled to Somalia on 17th April, 2002.[25] The mission led by Hukka Wario, (recalled from Zimbabwe by Kenya's Ministry of Foreign Affairs) comprised of Abdullaziz Ahmed (Ethiopia's Special Envoy), Peter Marwa (representing the IGAD secretariat, Djibouti), A. Andanje (Head of Africa desk and AU, Ministry of Foreign Affairs and International Cooperation, Kenya), Yemane Abadi (Ethiopian Embassy), Joseph Gatimu (Office of the President) and Ahmed Ramata (Office of the President) who also doubled as a Translator.[26]

On 17th, the mission in Puntland held consultations with the two factions contending the presidency. The first was the Vice President's Jama Ali Jama, led by Ahmed Goala in Bossaso and, the second Abdullahi Yusuf's at Galkayo.[27] The mission then went to Somaliland, where Hergaisa the Somaliland Minister for Foreign Affairs conveyed his government's rejection of the invitation to Nairobi. Calling on south-central Somalia to get its act together. Ahmed Gees expressed the desire to see an end to the conflict as pre-condition to renegotiate the unity pact of 1960, between Somaliland and the south-central.[28] In Mogadishu, although Abdikassim, refused to meet with the mission, he sent the TNG Minister for Foreign Affairs, Yussuf Hassan Ibrahim. The Minister laid the TNG precondition for renegotiation as recognition (as government of Somalia).[29]

In this regard the talks in Kenya were perceived as reconciliation between the "Arta government," of Abdikassim and rebels (SRRC Alliance). A similar view was held by Djibouti.

[25] At a consultative meeting held by IGAD Heads of State and government in Addis Ababa, during the COMESA summit, the TC was urged to proceed with or without Djibouti
[26] "Report on visit to Somalia by Mission of IGAD Technical Committee on Somalia National Reconciliation Conference," in the Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002.
[27] "Somalia Peace Process: IGAD Technical Committee on Somalia Moves Ahead Despite Challenges," *IGAD News*, Issue 1, March-April, 2002
[28] The 1960 Agreement between British and Italian territories led to the establishment of the Republic of Somalia.
[29] This was interpreted by other Somali groups as legitimization of the TNG by IGAD and a means of giving the TNG leverage in the negotiations

The two (TNG and Djibouti), believed that this position gave them advantage in the reconciliation.[30] Djibouti's defense of Arta was understandable, since TNG was its creation in Arta. For this reason, it had no choice but to defend that outcome by all means.[31] Later on the same day, in Mogadishu the mission met Osman Ali "Atto", of USC/SNA, Mawlid Maane, Mohamed Mohamoud Omar "Finish" of USC/SSA, Musa Sudi Yalahow of SRRC, Sheikh Jama Hussein representing Hussein Aideed's SNA/SRRC and Mohamed Qanyere Afrah also of SRRC. On 20th April, the mission visited Baidoa. Here they met Hassan Mohamed Nur "Shaatigaduud" (RRA), Abdullahi Sheikh Ismail (Chair of SRRC) and Mohamed Ali Aden "Qalinleh".

Faction leaders in Puntland, Mogadishu and Baidoa all opposed the TNG. Despite confirming their participation in Nairobi, they rejected the TNG's demand. From their perspective, the Arta process had failed and therefore the need for a new peace process.[32] Based on this belief, these factions comprising the SRRC alliance opposed any attempts to accord the TNG special treatment. Supported by their ally Ethiopia, the factions thought that would illegally legitimize the TNG government.

Additionally, Djibouti, Ethiopia and their Somali allies also disagreed on the process of creating new political dispensation in Somalia. While on the one hand, Ethiopia demanded that autonomous territories such as Puntland, Southwestern state, Juba land and Jowhar, be used as building blocks for a federal government,[33] Djibouti, on the other hand rejected this suggestion. They argued that those territories referred to were illegitimately created and could not be recognized as such. This disagreement mirrored among their Somali allies. It is not surprising therefore that the TNG president refused to meet the TC when it visited Somalia, in the absence

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[30] "Report on visit to Somalia by Mission of IGAD Technical Committee on Somalia National Reconciliation Conference," in the Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002.
[31] Ibid
[32] Statement by Mohamed Qanyere Afrah to the TC Mission in Somalia, Mogadishu, 19th April, 2002
[33] Ibid

of Djibouti. The TNG's precondition for attending the talks was informed by these differences and suspicion about Ethiopia's intentions. On the contrary, Abdullahi Yusuf's skepticism about Djibouti and the legitimization of TNG as a government led to tensions during the pre-negotiation period. Abdullahi and the SRRC group argued that since the TNG only controlled a small portion of Somalia, it did not deserve to be given any privileges above other factions with substantive territories. This argument gained currency among faction leaders in Mogadishu like, Musa Sudi Yallahow, Mohamed Qanyere Afrah, Osman Ali "Atto" and Omar "Finish". Although other leaders like Mohamed Nur "Shartigadud" of the southwestern state and Mawlid Maane of *Jererwyne* supported the federal agenda. Their support was informed by the age old clamor for federalism by their clans. The first visit came to an end on 20th April, 2002. The TC had already identified some faction leaders.

4.2.2 The Role of Special Envoys in the Somalia Peace Process

The idea of special envoys is not new in the conduct of foreign relations. The concept involves the use of a personal representative by the head of state. In modern times, the increase in the number of personal representatives has been necessitated by the fact that presidents are more and more getting directly involved in international relations.[34] Special envoys come in a variety of ways. Some enjoy diplomatic rights like those of foreign affairs officials, while others have mere letters of introduction or no written credentials whatsoever, (documents of diplomatic appointment)[35] and their errand described only verbally. Their functions also vary from trivial to vital.[36] Literature identifies two types of special envoys. The first group performs duties which, for one reason or another, are inappropriate for regular officers to perform. The second consist of

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[34] Henry M. Wriston, "The Special Envoy," *Foreign Affair,* Vol.38, no. 2 (1960) pp.219-237
[35] Makumi Mwagiru, *Documents of Diplomacy: Analysis, Functions and Drafting* (Nairobi: IDI Publications on International Studies, 5) pp.47
[36] Henry M. Wriston, "The Special Envoy," *Foreign Affair,* op.cit pp.219-237; For a detailed analysis of the Special envoys in Kenya's foreign policy, see also, Makumi Mwagiru, "Kenya's Diplomacy of Conflict Management: Its Contribution towards Conflict Resolution in Africa," *South African Yearbook of International Affairs,* 2006

persons who, in fact, represent the President personally.[37] The first view is informed by the thinking that by relying on such agents' presidents can avoid and overcome the bureaucratic constraints in standard operating procedures. The second implies that special envoys negotiate with the direct support of the appointing authority.[38] This has implications for operations. In the first, the agent could be secret and less assertive as opposed to the second who is assertive.

Apart from personal style, nature of presidential duties, the use of special representatives may be necessitated by extraordinary circumstances such as war or special interests.[39] The appointment of Elijah Mwangale in 2002, by Moi[40] as the special envoy of Kenya to the Somali peace process was informed by special interests. First, Moi was keen on Somali issues, and secondly, concerned about keeping in check Ethiopia's growing influence in Somalia as a way to enhance his legacy as a regional statesman in peacemaking.[41]

Kenya's foreign policy in conflict management can be traced to the sixties. From then to the 80s the policy was closely aligned to the charters of the United Nations and Organization of African Unity, as the frameworks for intervention. However, during Moi's presidency, Kenya discovered that it could deal with the complexity of conflict management and constructed an outward looking.[42] In this regard, Kenya, from the mid-80s changed the orientation of its foreign policy, towards direct involvement in conflicts. The landmark example in this shift was in the management of the Ugandan conflict in 1985.[43] By the 1990s the policy was taken a notch higher with introduction of special envoys. This marked the third phase of the evolution of Kenya's

[37] Henry M. Wriston, op.cit pp.219-237
[38] Ibid
[39] Ibid
[40] Moi has since retired
[41] Interview: Senior Government official involved in the Somalia peace process, Nairobi, 16th January, 2010
[42] Makumi Mwagiru. "The Diplomacy of Conflict Management: Conflict and Cooperation in Kenya's Foreign Policy." *A Paper done for the Institute of Diplomacy and International Studies*, University of Nairobi, 1999.
[43] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000) pp.98-105

foreign policy in conflict management.[44] This may have been necessitated by the many peace engagements that President Moi was involved in.

Several factors played a role in the nomination and appointment of Mwangale as special envoy to Somalia. One, it was necessary to have someone with a background in foreign affairs. Mwangale had served as foreign affairs minister during the Moi regime and therefore not only understood, Kenya's policy but also Moi's ambition to leave a legacy as a regional statesman through conflict management.[45] The second reason emanated from the fact that Moi and Mwangale served as politicians in Kenya for long and therefore had a history.

The second meeting of the TC, in Nairobi, was chaired by Mwangale.[46] The meeting held from 24 to 25th July, 2002 in Nairobi was attended by; Abdullaziz Ahmed (special envoy, Ethiopia), Ishmail Goulal Boudine (special envoy, Djibouti), Attalah Bashir (Executive Secretary IGAD), Mohamed Siad Doualeh (Ministry of Foreign Affairs, Djibouti), Yamane Abadi (Ethiopian Embassy, Nairobi), Fesseha Shawel (Ministry of Foreign Affairs, Ethiopia), Menelik Alemu (Ministry of Foreign Affairs, Ethiopia), Col. G. Alemseged (Ministry of Defense, Ethiopia), Col. Peter Marwa (IGAD secretariat, Djibouti), Col. H. Hussein (Ministry of Defense, Kenya), Ahmed Ramata (Office of the President, Kenya), Joshua Gatimu (Office of the President, Kenya).[47] Others were A. Andanje, (Head of Africa and AU Division, Ministry of Foreign Affairs and International Cooperation), S.M. Gitonga (Ministry of Foreign Affairs and International Cooperation, Kenya), James Kiboi (Ministry of Foreign Affairs and International

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[44] Ibid
[45] see for a detailed analysis of Moi's conflict management and foreign policy Makumi Mwagiru, "Kenya's Diplomacy of Conflict Management: Its Contribution towards Conflict Resolution in Africa," *South African Yearbook of International Affairs*, 2006
[46] Interview: Senior Government official involved in the Somalia peace process, Nairobi, 16th January, 2010
[47] List of Attendance, 2nd Meeting of the Technical Committee on Somalia National Reconciliation Conference, Nairobi, 24-25th July, 2002.

Cooperation, Kenya) and Osman Mohamed (Personal Assistant to Kenya's special envoy to Somalia).[48]

Inspite of diplomatic efforts to ensure Djiboutis return to the TC, a second TC meeting organized another trip to regions of Somalia namely, Jowhar, Kismayu and Beledwyn which had not been visited.[49] While in Kismayu, the mission met Barre Hirale and his rival Gen. Morgan, in Beledwyn and Jowhar it held discussions with the late Hassan Qalat and Mohamed Dheere respectively.[50] Whereas the concern of Dheere like other members of SRRC was about the recognition of the autonomous territories, Qalat instead, warned about the issue of exclusion. He suggested that it would be prudent to invite traditional elders to the peace process. The two leaders viewed success from two different sources. While Qalat it to inclusivity with checks and balances (from the elders), Dheere, attached it to autonomy.[51]

After Somalia TC during this second trip, the travelled to Addis Ababa where it met Hussein Aideed, chairman of SRRC. Aideed, while assuring TC of full cooperation, warned about external interference or TNG conditionality. In his new the two would withdrawal involve SRRC from the peace process.[52] This decision was informed by the TNG pre-condition for negotiation.

4.3 The Eldoret Meeting

The field trips ended with TC invitation to the delegates. The venue of Eldoret was chosen following requests by some Somalia leaders.[53] Apart from that, the rationale was based on the need to minimize external interference from the Somali community in Eastleigh.

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[48] Ibid

[49] "Report of the sub-Committees' visit to Somalia and Ethiopia," Nairobi, 1-5th August, 2002

[50] Ibid

[51] ibid

[52] Ibid

[53] "Recommendations of the IGAD TC," The Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002.

Additionally, for Moi, Eldoret gave him easy access to the conference since he spent most of his weekends at his farm in Kabarak. Seeing this a opportunity for local businessmen to profit, Moi hoped this would improve his domestic popularity that had waned even in his traditional strongholds. 2002 was the election year and although Moi was unlikely to vie for presidency he needed to secure votes for his candidate. Lastly, Eldoret was far removed from the capital where major diplomatic activities took place this guaranteed less pressure from different diplomatic interest.

Despite, the shortcomings of Eldoret emanating from lack of facilities and high costs, the conference kicked off on 15th October, 2002.[54] Besides the four main groups of delegations from Somalia; TNG, SRRC, the civil society and G8, prominent Somali personalities, and national resource persons like Abdirizak Haji Hussein also graced the meeting.[55] The conference attracted a huge number of participants some of whom participated in the Nakuru talks, and were part of the architects of these talks.[56] Immediately, the organizers of the conference were faced with a crisis of numbers.[57] Some leaders came without invitation[58] while Hussein Aideed did not deliver invitations (on behalf the SRRC) to Hassan Pilota and Hilowle Imam Mohamed Omar Dalha, Hussein Bantu and Sheikh Jama also failed to receive theirs sent through Maulid Maane.[59] The rivalry among the Somali groups explains this situation. This behaviour is explained by the

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[54] Interview Ambassador Bethuel Kiplagat, Kenya's Special Envoy and Chair to the Technical/ IGAD Facilitation Committees, Nairobi, 31st October, 2009

[55] Report of the Technical Committee on the Somalia National Reconciliation Conference, Nairobi, 3-5th April, 2002, see also copy of the official list of Delegates to the Somalia National Reconciliation Conference, Eldoret, 17th April, 2003

[56] Interview Maulid Maane, Delegate and MP, Somalia Transitional Federal Government, Nairobi, 10th January 2010

[57] Interview Prof. Makumi Mwagiru, Chief Consultant Somalia National Reconciliation Conference, Nairobi, 29th October, 2009

[58] Invitations were done by the IGAD TC ON Somalia, see copy of invitation letter for Sheikh Maalim Abdulle Ref MFA 231/21/004A, by the Elijah Mwangale Kenya' special's envoy for Somalia and Chairman to the IGAD TC, Nairobi, 8th October, 2002

[59] Interview Hassan Pilota and Hussein Bantu, Delegates, Somalia National Reconciliation Conference, Eldoret, 22nd December, 2002

rivalry among the Somali groups. Whereas Hassan Pilota a Murusade threatened Qanyere's dominance, Hussein Bantu, a Jererwyn, did the same to Maulid Maane. Had Aideed and Maulid succeeded with their scheme, the inclusivity principle of the Conference may have been compromised from the beginning.

4.4 The Plenary and the Leaders Committee

The delegates to the Somalia National Reconciliation conference comprised the plenary that acted as a forum for delegates to meet and discuss. In the proposed Rules of Procedure the plenary was viewed as the highest decision making organ of the conference.[60] Subsequently, all decisions of the other organs of the conference had to be approved by the plenary.[61] The idea behind this thinking was to ensure that decisions were reached through consensus and widest representation. This guarantee of consensus through the plenary ensured that implementation of those decisions would be easier. Within the plenary the Somali delegates set up the agenda of the peace process based on issues identified as contentious and therefore informing the sources of the conflict itself.[62] The other rationale for the plenary was to ensure that the process remained Somali owned especially in decision making. The first task before the plenary was to endorse the Rules of Procedure which would form the basis for the peace process.

Two documents prepared by IGAD became the source of contentions. The first was the Draft Rules of Procedures.[63] Disagreements emerged on the wording of the document and on the issue of ownership of the process. The Somali delegates insisted that the process had to be Somali owned. Their interpretation of ownership translated to creating a Somali secretariat to run the day to day activities of the process. This perception was misguided. Rule one of the Draft

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[60] Rule 5 & 16 of the Rules of Procedure, Eldoret, 26th October, 2002
[61] Ibid
[62] Rule 11 of the Draft Rules of Procedure of the Somalia National Reconciliation Process, op.cit
[63] Draft Rules of Procedure, and the Draft Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process, Eldoret, 26th October, 2002

Rules of procedures which defined participation also became acrimonious.[64] While some delegates insisted that wordings of Rule One had to read, "The TNG...and other delegates," other participants rejected this formulation and accused the TNG of mischief. Those who rejected the formulation argued that all groups had equal rights and thus considered this kind of formula an attempt to confer to TNG legitimacy through the backdoor. This feeling was linked to the history of the groups. Both were products of Arta either directly or indirectly, where the TNG emerged as the government and the SRRC as the opposition.[65]

In view of these differences and subsequent tensions among delegates the mediators withdrew the Rules of Procedure from the agenda of the plenary. The chairman of the TC changed tact and instead circulated the rules to individual leaders, who were requested to send their suggestions in writing to the TC. However, it was only the TNG and the civil society that responded in writing but this did not hamper the exercise. Ideally, the groups that did not present their written proposals should have been given a chance to respond to all documents on the floor of the plenary but this was not done. In retrospect, the groups being very suspicious of each other considered it a strategy to wait until the time of the substantive negotiations lest they give away their thoughts. It is not surprising thus that there was little of contention about the substance of the core issues, hence these came to be the basis for negotiations during the reconciliation.

The leaders committee was an *ad hoc* organ that emerged as a result of necessity. Although, the committee arose out of the practical problems that the peace process faced, it became engrained in the structure of the negotiations as the second decision making structure after the plenary. In the Somali leaders committee the TNG was represented by the Prime Minister, Hassan Bashir, and the speaker of the Transitional National Parliament, Abdallah

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[64] Rule 1 of the Rules of Procedure, Somalia National Reconciliation Process, op.cit
[65] Arta was the peace conference organized by Djibouti in 2002

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Derrow, while the other leaders were Mohamed Dheere, Maulid Maane, Abdullahi Sheikh Ismail, Abdullaziz, Omar Jess, Musa Sudi, Omar Finish, Hussein Aideed, Osman Atto, Mohamed Afrah Qanyere, Abdullahi Yusuf.[66] Negotiation theory informs the basis of such a committee. One argument is that leaders are prone to compromise out of the public than before the public eye.[67]

An issue that comes to the public domain before leaders hammer a deal, becomes complex and difficult to compromise on. This is so for several reasons. First, there is usually the pressure from audience on leaders which undermines the chances of compromise. Secondly, leaders want to avoid being labeled betrayers by the constituents to the conflict. Constituents are those people the leaders claim to be negotiating on behalf of.[68] Within the Somalia case, compromise was easier within the leaders committee than outside.

With serious opposition in the plenary over the Rules of Procedure at Eldoret town Hall, Mwangale sought different means to build consensus. This organ would help negotiate contentious issues before they were presented to the wider audience in the plenary. The committee thus provided a forum within which the leaders could narrow their difference and adopt a common ground or reach some kind of agreement before the delegates engage in debating issues.

Meanwhile the chairman also held private consultative meetings with the leaders to build consensus. This way Mwangale not only built rapport with the Somali leaders but also created a caucus group. It is these meetings that provided the background for the emergence of the leaders

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[66] List of members in attendance, Leaders Committee meeting, Eldoret, 1st November, 2002
[67] G.R. Berridge, *Diplomacy: Theory and Practice* 3rd edition (London: Palgrave, 2005)
[68] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark, 2000) Pp.98-105

committee.[69] Within the side negotiation the leaders were more receptive than in the open plenary. Many rounds of informal consultations were held to break this deadlock.[70] Essentially, the deadlock also translated into a dwell between Ethiopia and Djibouti. Although after much lobbying Ethiopia and its allies secured a victory, when the TNG relented and the definition of participant included all groups represented at the conference in an equal footing, this did not see the end of their duel.

Coinciding with this confusion trouble brewed on the question of number of delegates.[71] Whereas the conference had invited and budgeted for three hundred and fifty delegates, two weeks into the conference the numbers had swollen to over one thousand.[72] The issue of numbers of delegates could not easily be resolved even within the TC because of national interests of Ethiopia and Djibouti.[73] The Somalis also presented problems since everyone wanted to be included. After lengthy deliberations the TC settled for three fifty representatives.[74] These were to be drawn from both armed and non-armed political groups, civil society and from both within Somalia and the Diaspora. Later to accommodate civil society as a result of donor pressure, this number was adjusted to three hundred and sixty two.[75] In the second phase the TC argued to try and reduce the number to three hundred and fifty nine due to pressure from the IGAD Partners Forum (IPF). The latter felt the numbers were too big and constrained the budget for the peace process.[76]

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[69] Interview: Senior government official, Nairobi, 2nd, January, 2010.
[70] Interview, Mr. William Mayaka, First Coordinator of the Somalia National Reconciliation Conference, Nairobi, 3rd December, 2009
[71] Interview, Senior Government Official who served in the Process, Nairobi, 2nd January, 2010
[72] Report of IGAD Technical Committee on Somalia to the Frontline States Ministerial Committee, 8th August, 2002
[73] Interview: Senior Government Official who served in the Process, Nairobi, 5th October, 2009
[74] Interview Mr. William Mayaka, First Coordinator of the Somalia National Reconciliation Conference, Nairobi, 3rd December, 2009
[75] Ibid
[76] Report on Lessons Learnt, by IGAD Facilitation Task Force on Focused Group Discussion, Nairobi, 29th March, 2007

The plenary session that adopted the Rules of Procedure also defined the plenary as comprising three hundred and fifty officially invited by IGAD TC.[77] The numbers chosen were on the basis of the TC budget, and in consideration that it was sufficient to carter for all clan and group representation. In terms of the clan, the 4.5 formula that had been used in Djibouti was adopted. This meant that the four major clans shared in terms of a one to one ratio, while the minority groups were granted half of what the major clans received.

The necessity to reduce the numbers to the three hundred fifty as originally planned led to the second major problem of the conference during the pre-negotiation phase.[78] Debate on the question of the formula used by the TC to arrive at its total of three fifty thrived among the delegates.[79] The matter became grave with each passing day and a decision was made to identify the extra number of delegates and send them back to Somalia.[80] Several attempts by the TC to decide who would leave and who would remain were rebuffed by both the delegates and their leaders and the matter became intractable. It was eventually agreed that this matter be left to the leaders committee.[81]

Behind this debate on numbers was the feeling that the Somali groups wanted a representation that would reflect their status and influence Somalia. At the same time, they wanted to have clan balance so that some clans would not end up either unrepresented or under presented.[82] While to the Somali the issue of clan representation was a primary concern, it was in reality a non-issue at all because it is not numbers that argue a case. The following days were spent clarifying things, but although it was repeatedly made clear that decision making in the

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[77] Rules of Procedure, Somalia National Reconciliation Process, Eldoret, 26th October, 2002
[78] Interview Prof. Makumi Mwagiru, Chief Consultant, Somalia National Reconciliation Conference, Nairobi 29th October 2009
[79] Record of the Meeting of the Somali Leaders Committee, Eldoret, 13th November, 2002
[80] Record of the Technical Committee Meeting, Eldoret, 14th November, 2002
[81] Interview Senior Government Official, Nairobi, 16th January, 2010
[82] Interview Mohamed Qanyere, Member of the Leaders Committee and Delegate, Somalia National Reconciliation Conference, Eldoret, 10th December, 2002

conference was by consensus, no Somali believed that numbers were actually irrelevant. Th did not want to accept that no decisions could be taken even if it was only one delegate objectir to it.

4.5 Leverage in Negotiations

Leverage is one technique that is used to move parties to an agreement. Kleiboer[83] view leverage as the mediator's ability to pressurize one or both conflicting parties to accept i proposed settlement. It is assumed that a mediator has the ability to influence the parties. In this regard leverage is an important tool of mediation. Some leverage techniques may include, agenda setting, single text method that move away from the table and control of information. Mwangale resorted to two of these to tackle the deadlock on numbers. Given the deadlock, Mwangale issued his first ultimatum to the Somali leaders committee. In essence the ultimatum was that Somali leaders had been given ownership of the process, and that it was up to them to agree on the issue of numbers.[84] He thus forced a resolution to the issue by setting a deadline to enforce his pressure. He pegged the deadline to end of the first phase of the conference. Mwangale also took a second risk and asked the leaders whether they would allow the conference to collapse for the reason only that they could not agree on numbers and he made a point that he was ready to let the conference collapse.[85] The chairman and members of the TC at this point used the tactical leverage of "move away" by walking out of the meeting.

Five things should be said about strategic leverage. First, it is a strategy and must take a holistic approach to the bigger picture. Mediators can only adopt it when they are very sure that they can call the parties bluff successfully. Second, that should this strategy fail then the process

[83] Marieke Kleiboer, "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution*, Vol.40, No.2, (1996) pp. 360-389
[84] Record of the Meeting between the Technical Committee and the Somali Leaders Committee, Eldoret, 12th November, 2002
[85] Record of the Meeting between the Technical Committee and the Somali Leaders Committee, Eldoret, 12th November, 2002.

can collapse since it is the parties who would have called the mediator's bluff. The third thing is that the mediator who uses it should be ready to enforce his ultimatum and carry it through. If a mediator fails to do so s/he loses authoritative standing and the parties will not take his/her threats and ultimatums seriously in future. Fourthly, if used often leverage loses its credibility over the course of the proceedings. Related to the third is the personality of the mediator and the impression parties have of him/her.

After the walk out, the Somali leaders swung into action and requested for an assurance by the TC that phase three of the conference which would involve the selection of MPs be based on an equitable clan balance of delegates. That request was granted in a written document signed by the TC members.[86] This document did not carry any legal obligation but carried a lot of psychological weight in. Unfortunately, this document did not end the impasse of the numbers as the problem returned to haunt the conference on 18th November, 2002.[87] After informal consultations among the Somalis and between members of the TC, the chairman was advised to make an announcement that the conference was ready to proceed with those who agreed to the three hundred and sixty two formulation, and those who did not agree could leave.[88] This announcement elucidated an immediate reaction with the majority of the Somali leaders saying they were willing to continue.[89] But the suggestion was overtaken by events as on November 18th, the TC took a new decision to increase the numbers for adamant groups. By the new strategy an extra twenty four delegates were to be allowed into the conference during phase two.[90]

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[86] Document of the Technical Committee, Eldoret, 14th November, 2002
[87] Interview Prof. Makumi Mwagiru, Chief Consultant, Somalia National Reconciliation Process, 29th October, 2009
[88] Report of the Meeting between the Consultant, members of the Ethiopian mediating team and some Somali Leaders, Eldoret, 15th November, 2002
[89] Interview Senior Government Official, Nairobi,16th January, 2010
[90] Ibid

By the evening of 18th November, it looked like the idea was unacceptable to the Somali leaders. After informal consultations it seemed like the conference was on the brink of collapse on the issue of numbers.[91] The idea of increasing the numbers was unwise and risky. In the first place it was not in tandem with the strategic leverage. It pointed to the fact that the ultimatum given earlier was not serious and could be bargained. The second is that it was the obstacle to the beginning of phase two. Thirdly, to the Somalis, it was communicating that the TC was not firm and could not enforce its decisions. While the suggestion of increasing the numbers was noble and reflected the flexibility needed to move the conference forward, it also revealed the bottom line the whole question of numbers and clan balance was a red herring which the Somalis were using to stall the process. If this concession was granted then it would have led to even more demands.

4.6 The Second Ultimatum and the Setting of the Agenda

The Somalis ignored the first ultimatum issued and instead stuck to their positions, demanding more numbers for their groups.[92] This caused problems for the process, and threatened to break the negotiations. A period of intense lobbying followed on this issue. The TC, both as a committee, and individual members, undertook the lobbying.[93] It is these consultations that led to revision of the numbers issue and to the second ultimatum by the Chair of the TC. The second ultimatum was issued on the 19th November, 2002, during a meeting between the leaders' committee and the TC.[94]

The basis for this ultimatum was that the Somalia National Reconciliation Conference had to continue, and could not be allowed to collapse. The chairman noted, that even after more

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[91] Ibid
[92] Ibid
[93] Interview Senior Government Official, Nairobi, 2nd January,2010
[94] Record of the Meeting between the Technical Committee and the Somali Leaders Committee, Eldoret, 19th November, 2002

than thirty five days of the conference, all the suggestions had failed to attract a consensus among the Somalis. He also pointed out that even the concession on the numbers by the TC had elucidated even harder conditions form the leaders committee. There was great opposition to include anyone who had not been identified and invited by the IGAD TC. In these facts, Mwangale now issued a new formula of clan participation in the process, and in the reconciliation committees that would be engaged in negotiating during phase two of the conference.[95] By this new formula, participation at the conference would be based on clan representation inspired by the need to ensure clan balance and an inclusive representation of all political entities and civil society. This formula was designed from the four point five (4.5) criteria adopted by IGAD from Djibouti.[96] The same formula would be used in the committee stage of the phase two.

By this formula the four major clans would each have fifty six participants, of which twenty four had to come from the civil society.[97] The total number in this formulae was three hundred and seventy eight, there was to be a discretionary number of twenty two delegates, which the TC could allocate as it saw fit. The chairman therefore issued the ultimatum that the Somali groups had to submit their lists to the secretariat of the conference not later than 20th November, 2002. Despite the chairman's ultimatum some minority groups especially, the *Jererwyn* made a case that they should be recognized as one of the main Somali clans, rather than being lamped together with the minorities. On this basis they rejected the 4.5 formula.[98]

[95] The 4.5 document on Formula for Balanced clan Participation in the Somalia National Reconciliation Process, Eldoret, 19th November, 2002
[96] Document on Final Allocation of Seats in Phase Two Committees, Eldoret, 4th November, 2002
[97] Document on Formula for Balanced Clan Participation in Phase Two Committees, Eldoret, 19th November, 2002
[98] "Recognition of the 5th Clan in Somalia (*Jererwyn*)," Letter from the Forum Committee of the *Jererwyn* Clan to the Technical Committee, 1st November, 2002

A very important task undertaken during the pre negotiation phase is setting the agenda for negotiation.[99] Whereas the strategic definition of pre negotiation presents it as a process of eliminating issues that obstructs parties from engaging in alternative formulations and arriving to a cooperative and negotiation effort, the process definition on the other hand views it as a means of building consensus.[100] These two definitions agree on moving towards a common ground. One area of common ground is the agenda. Agreeing on the agenda is one way of narrowing differences and allowing parties to consolidate cooperation. If issues are prioritized well in the agenda trust would be built and this helps instill confidence among the parties. In the Somali case the second document produced was the agenda. This document apart from outlining the structure of the conference also identified what were thought to be the core issues.

On top of the agenda for Peace Process was a Ceasefire and Cessation of Hostilities. This was prioritized after the amicable solution to the question of numbers. However, the issue of Cessation of Hostilities presented another problem. The question arose on who would be the signatories of the Declaration. The TNG returned to the old argument it presented during the discussion on the Rules of Procedure. It tabled its proposal and insisted that the Declaration should read, "We the TNG and ..."[101] The next plenary session fell into disarray as this formulation was rejected by the SRRC supported by the G8. The SRRC instead proposed a fundamentally different formulation with that of the TNG, which recognized all the parties as equal. This view was informed by the belief that it claimed more territorial control and military strength than the TNG.[102] In their proposal the TNG suggested that the Declaration should read,

[99] G.R. Berridge, *Diplomacy: Theory and Practice* 3rd edition (London: Palgrave, 2005) pp. 33-34
[100] Interview Hassan Bashir, Prime Minister of TNG and Delegate to the Somali National Reconciliation Conference, Eldoret, 3rd December, 2002
[101] Document on TNG Proposal to the TC, Eldoret, 2nd November, 2002
[102] See Annex 2b; Map of the Partition of Mogadishu Among warlords, 2001(based on map drawn by Mohamed Rashid and John Drysdale)

"We the undersigned..." On 27th October, 2002 the discussions hit another deadlock.[103] This time around it was because the Somalis felt that things were being pushed down their throats.

The Somalis viewed the Declaration as an agenda driven by the interests of the West, who were engaged in humanitarian activities in Somalia.[104] Additionally, the Somali factions hesitated to sign because they feared the Declaration would tie and render them defenseless. A suggestion that the civil society issue a statement in support of the Declaration as a tactical move to pressure the factions was rejected. It was felt that this would be interpreted by the faction leaders as a betrayal by the civil society. Mwangale used a different tactic this time. He threatened to call president Moi and report the matter.[105] That same evening the Somalis reached an agreement. The Declaration was signed first by the civil society and then representatives of the delegations.[106]

The implication of the signatures became grave on the issue of leadership in the peace process. Those who appended their signatures politicized this exercise and used it later to authenticate leadership among the Somalis. Once the document was signed, it was argued that only those whose signatures were appended to the document were genuine leaders and therefore received special treatment in the peace process.

The new formulae given by the mediator generated further disagreement right from the beginning. For one, some armed groups found this formula worse than the original one that proposed three hundred and sixty two, because on closer examination, the new formula based on four hundred delegates reduced the number of their participation to a clan basis and ignored their individual military strengths. But it needs to be noted here that the TC adopted the clan formula

[103] Interview Prof. Makumi Mwagiru, Chief Consultant Somali National Reconciliation Process, Nairobi, 29th October, 2009
[104] Interview Senior Government Official, Nairobi, 16 January, 2010
[105] Ibid
[106] See Annex 4 copy of Declaration on Cessation of Hostilities and Structures and Principles of the Somalia National Reconciliation Process, Eldoret, 27th October, 2002

at the behest of the Somalis insisting that it is the only formula that could work.[107] However, by insisting on the clan formula the Somalis had led themselves into a corner in which they would be completely marooned. Clan representation opened up wounds that would have rather been forgotten and left confined to the past of Somalia. Secondly, clan balance is a misnomer because immediately a balance is achieved at the clan level there would be a problem at the sub clan or sub-sub clan level and so the complaint would go on in an unending cycle.

The second problem arising on the issue of numbers, based on clans came from some minority groups, particularly the *Jererwyne*.[108]The group among others disputed the claim that they were a minority.[109] They insisted that they should be considered as a separate fifth clan in Somalia rather than being lamped together with other minority groups like Arabs. They contended that the term "others" as the minority were referred to was not Somali, but a misnomer coined by the so called big clans, during the Arta peace process in Djibouti. They further, argued that each of the other minority groups in Somalia belonged originally to one of the four main clans and did not exist as separate entities, unlike them who were a distinct group comprising thirty five percent of the total Somali population.[110] However, despite these difficulties the second ultimatum yielded the required result, because the various groups submitted the names of their committee members based on the three hundred and sixty two numbers to the secretariat.[111]

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[107] Interview Awad Ashara, Delegate and Members of Parliament Somali Transitional Federal Government, Eldoret, 22nd December, 2002
[108] Interview Maulid Maane, Delegation leader SAMO Asili, Eldoret,15th December, 2002
[109] Ibid
[110] Ibid
[111] Interview Prof. Makumi Mwagiru, Chief Consultant Somali National Reconciliation Process , Nairobi, 29th October, 2009

Six committees were created around the core issues in the agenda. The committees comprised of names given on the basis of clan membership, were to negotiate these issues. While committee one addressed governance and constitutional issues, two, dealt with Disarmament, Demobilization and Reintegration. Three looked at the question of land and property rights on the one hand, four on the other was examined the economic recovery and reconstruction. The last two committees were five and six, and they dealt with regional integration and international relations and conflict resolution and reconciliation respectively.[112] The committee work was part of the second phase of the peace process.[113]

All the committees had experts who advised on the issues being negotiated. While, committee one on Federalism and Provisional Charter was supported by Mike Atkinson from Norway, committee two on Demobilization, Disarmament and Reintegration relied on Julian Hottinger of GTZ.[114] Prof. Kameri-Mbote, from the department of law, University of Nairobi, replaced Dr. Gunter Schlee as advisor to committee three on Land and Property Rights while committee four on Economic Recovery, Institutional Building and Resource Mobilization benefitted from Prof. Ali Noor of the World Bank.[115] Lastly, committees five and six benefitted from Olewe Nyunya, a professor at the University of Nairobi and Matt Bryden of the War Torn Society respectively. Since committees were an after-thought with very sketchy terms of reference some of the experts did not facilitate them. For example, Bryden of committee six left soon after arriving leaving his committee to rely on Prof. Mwagiru, the chief consultant to the peace process and the rapporteur.[116]

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[112] Terms of Reference for Committee Five and Six, Somali National Reconciliation Process, Eldoret, …2002
[113] Terms of Reference Committee on Federalism and Provisional Charter. *Document of the Somalia National Reconciliation Conference, SNRC/Ph 2/TC/TORs*, Eldoret, 2nd December, 2002.pp.1-2
[114] List of attendance Somalia National Reconciliation Conference, Technical Committee: Expert Consultation meeting, Eldoret, 10th December, 2002
[115] Ibid
[116] Records of Proceedings of Technical Committee Expert Consultation, Eldoret, 10th December, 2002

Committee findings were to be presented to TC, the leaders committee and the plenary. The latter as the highest organ of the conference had powers to approve, adjust or even reject committees' findings.[117] After approval by the plenary the findings were to await parliamentary debate where statutes for implementation would be passed. However, any committee findings that were disapproved by the plenary would not be part of the outcome of the Somalia National Reconciliation process.

4.7 The Secretariat of the Conference

The conference secretariat was set up by the TC with the help of the ministry of foreign affairs of Kenya. Originally, all the members of the secretariat were officials from the ministry but this changed.[118] The role of the secretariat was largely coordination, administration, logistics and keeping of records of all the proceedings. Although the secretariat oversaw the day to day activities of the peace process, its decision making powers were limited to logistics. In political matters some of its members played an advisory role only.[119] To oversee the activities of the secretariat on behalf of the TC was a conference coordinator. Whereas the first conference coordinator was William Mayaka, a retired civil servant, his successor were in active service while some of the staff was hired others were seconded from different ministries and academic institutions. While John Lanyasunya and Mahat were from foreign affairs, Brown Otuya came from the Ministry of East Africa and Regional Cooperation.[120] Apart from these officials the secretariat also comprised rapporteurs, conflict analysts, interpreters, security personnel, and intelligence and information officers. The rapporteurs kept records of the peace process. Intelligence officials gathered information that was analyzed daily to inform action. The demand

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[117] Minutes of the Technical Committee and Plenary, *SNRC/Ph2/Excom*, Eldoret, 2nd, December, 2002
[118] The list of Members of the Technical Committee on Somali National Reconciliation Conference gives four names of members of the Secretariat, Nairobi, 8th August, 2002
[119] Rules of Procedure Somalia National Reconciliation Conference, Eldoret 2002
[120] This followed the takeover by John Koech after Kalonzo was dropped

that the secretariat be Somalis was rejected because it was viewed as disadvantageous to the peace process. [121]Theoretically, peace processes usually have secretariats, in which daily activities are run.

4.8 Conclusion

The connection between negotiations and peace processes rests on the assumption that commitments from the main actors are needed to create peace. This chapter examined effort of the 14th Conference to bring about such commitments on the part of the Somalis. However for analytical purposes it is necessary to distinguish between three phases of the Conference that correspond to the three stages of negotiations. This chapter described and explained the preparatory stage or the pre-negotiations.

At each stage the parties to the conflict consider implications of the developments and re-strategize. The factors that led to the failed outcome can be traced to this stage of the peace process. Problems about delegates and Rules of Procedure and agenda among others troubled the peace process and predetermined the outcome. This means that this determines the future of the negotiations. Apart from internal instability determined by the dynamics associated with the process, external factors also added to the confusion during this period. Constant quarrels between Ethiopia and Djibouti resulted in an unfriendly environment in which success became less predictable. Under such circumstances the process had a falls start right from the beginning and it is not surprising that the outcome failed.

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[121] See earlier argument of forming a Somali secretariat.

CHAPTER FIVE

THE SOMALI PEACE NEGOTIATIONS IN ELDORET

5. 1 Introduction

The last chapter discussed the pre-negotiation Phase of the peace process. It focused on the 'talks about the talks' by examining the efforts made to bring the various Somali factions to the round table talks. The chapter also closely illustrated the challenges faced to bring the various Somali faction to the round table for discussions.

This chapter reviews the actual negotiation process carried between Somali factions under the auspices of IGAD. The chapter begins by revisiting the formation of committees to negotiate various issues believed to be at the genesis of the conflict. In this regard the chapter analyzes the work undertaken by the committees during this phase of the process. In its analysis it reviews the strategies that committee members employed in negotiating contentious issues. Whereas the thrust of the chapter is the negotiation process it nevertheless, also discusses how goals and interests were achieved and protected by the parties. The chapter captures the role of the actors and the alliances established for purposes of negotiations. In this way the Chapter not only develops a clear understanding of negotiation process among the Somali factions but also how the outcome was arrived at eventually.

Although literature on war termination is scarce,[1] those that exist on theories of war termination dismiss negotiated settlements in civil wars as unlikely. This view taken by Ikle[2] Curle[3] and Pillar[4] proceeds along the line that civil wars do not terminate through negotiations

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[1] See Seminal discussions in H.A. Calahan, *What Makes a War End*; Abt C. Clark, *The Termination of General War*; F. Ikle, *Every War Must End* (New York: Columbia University Press, 1991)
[2] Fred Ikle, *Every War Must End* op.cit.p. 95
[3] Adam Curle, *Making Peace* (London: Travistock, 1970) p.24
[4] Paul Pillar, *Negotiating Peace: War Termination as a Bargaining Process* (New Jersey: Princeton University, 1983) pp. 1-2

unless highly internationalized however, Stedman[5] insists on the contrary. On the basis that

many civil wars have terminated through negotiations. In the case of Somalia, the 9th IGAD

Summit of Heads of state and Government took a decision to organize reconciliation. In this

regard, the reconciliation was an opportunity for the various Somali factions to resolve their

differences by peaceful means. Indeed, the objective of the Somalia National Reconciliation

Conference was thus to allow Somali parties in conflict to negotiate an outcome acceptable to all.

On 15th October 2002, the IGAD led initiative was officially launched by President Daniel Moi

of Kenya, among other dignitaries.[6]

5.2 The Alliances and Negotiating Committees

International Relations scholars generally, view negotiation as diplomatic politics.[7]

However, Bercovitch[8] narrows it to; a non-violent, voluntary, agreement oriented approach

involving parties in seeking a joint solution. Unlike Bercovitch,[9] Bram[10] gives a process focused

definition relating negotiation with game theory. From this view negotiations comprise

strategies of compromise and conflict. Applying this to the prisoners' dilemma, game theory

identifies two strategies that lead to different outcomes. Whereas conflict/confrontation may

result in lose-lose outcome, compromise/cooperation on the other would result in higher pay-offs

of a win-win situation for the parties. [11] However, the latter strategy requires trust and belief that

the other party will not renege. In this regards the Somalis created alliances.

[5] Stephen J. Steadman, *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980.* (Boulder: Lynne Rienner, 1991) pp.1-2

[6] See Chapter Three

[7] Daniel Druckman, "Negotiating in the International Context," in William I. Zartman and J. L. Rasmussen (eds) *Peacemaking International Conflict: Methods and Techniques* (Washington DC: US Institute of Peace Press,2005) pp.83

[8] Jacob Bercovitch, "International Negotiations and Conflict Management: The Importance of Pre negotiation," *The Jerusalem Journal of International Relations*, Vol.13 no.1(1991) pp.7-21

[9] Ibid

[10] Steven Bram., "Theory of Moves." *American Scientist*, 81 (1993) pp. 562-70

[11] see Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, management and Transformation of deadly Conflicts* 2nd, edition (Cambridge: Polity Press, 2005) pp.16-17

By December 2nd 2002, the Somali delegates comprised three main alliances supported a split civil society. Three main alliances namely, Somalia Restoration and Reconciliation Council (SRRC), Transitional National Government (TNG) and Group of Eight Faction Leaders (G8) were built around the six issues to be negotiated. These included governance, demobilization and disarmament, economic recovery, land and property rights, regional and international relations and the conflict resolution. The latter comprised faction leaders who had broken ranks with the SRRC, after attending the Nakuru talks organized by Moi of Kenya in 2000.[12] In the Somali negotiation context the G8 acted like a third force, between the two main rivals, SRRC and the TNG. The alliances received external support from both the region and beyond. While the SRRC relied on Ethiopian support, TNG secured Djibouti's.[13] Like all alliances none was permanent and throughout the negotiations, they kept changing depending on the interests and issues at stake.

Whereas the SRRC comprised faction leaders locked out of the Arta peace process in Djibouti, the TNG comprised those who participated. By virtue of being locked out of the process the SRRC became the opposition to the TNG. Alliance formation is largely analyzed in literature at state level. However, the same principles can apply to analysis of groups. Whichever, level is taken alliances may be viewed as means to augment power capabilities in confronting the interest of dominant groups.[14] Although international relations literature, regards alliances as means of collaboration in mutually perceived problems, sometimes they are about

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[12] See Chapter Three for details
[13] See Chapter Three and Four
[14] Gilbert Khadiagala, *Allies in Adversity: The Frontline States in Southern African Security, 1975-1993* (Lanham: University Press of America, 2007) pp. 8-11; see also Julian R. Friedman, "Alliance in International Politics, " in J.R. Friedman, C. Bladen and S. Rosen (eds) *Allliance in International Politics* (Boston: Allyn and Bacon, 1970) pp.4-5; Ole R. Holsti, P. Terrence Hopmann and J.D. Sullivan, *Unity and Disintegration in International Alliances: Comparative Studies* (New York: John Wiley and Sons, 1973) pp. 3-8.

aggregating capabilities in pursuit of joint action. The latter was the view Somalis held about alliances.

From this perception the alliances were a means to collective action. The purpose was not only to consolidate but also, to protect group interests during negotiations. Each individual group viewed a stronger alliance as a tool to secure better deals. While the G8 remained independent, the civil society which should have been the other moderating factor in the talks, on the other hand split into two factions. One section supported the TNG, while the other backed the SRRC.[15] Despite their allegiances, both SRRC and the TNG opposed the inclusion of civil society in the peace process. Were it not for pressure from the international community the civil society could have not secured its slot of thirty members in the committees.[16]

While the SRRC aimed at securing the presidency, the TNG on the other hand intended to retain it by consolidating its position as the government of the day. Because the two were already formidable, the G8 faction comprising independent leaders came together out of necessity to survive. However, during the whole negotiating process its members usually teamed with either the SSRC or the TNG. The support of G8 tilted the result in favour of one side. Securing support on an issue(s) is an aspect of the negotiation strategy. Taking that into consideration, both the SRRC and TNG always sought G8 support. While at the onset the TNG and G8 had a marriage of convenience against the SRRC because of G8's hatred for Ethiopia this later changed. Subsequently, the TNG supported by G8, secured the Declaration on Cessation of Hostilities within two weeks after the start of the peace process. This was considered a milestone by the TNG in its endeavour to consolidate its position on the ground in Somalia.

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[15] Members of G8 included, Mohamed Qanyere, Osman Ali Atto and Omar Mohamud Mohamed(Finish) of USC, USC/SNA,USC/SSA respectively, Mowlid Maane of SAMO, Col. Barre Aden Shire (Hirale) JVA, Col. Abdirizak Hihi, SNF/Gedo, Col. Jama Ali Jama of Punt land and Col. Ahmed Omer Jess of SPM/SNA
[16] List of members of the Somalia National Reconciliation Conference Committees, Eldoret, 29th November, 2002

Based on the understanding that negotiations derive from different perspectives, the Somali negotiations took into consideration two contending views on the conduct of actual negotiations. The first approach held by Fisher[17] among others calls for the fractionation of issues. Fractionation refers to the splitting up of a problem into a number of items taken one at a time during the negotiations. Those who ascribe to this thinking insist that this approach extracts agreeable issues from contentious ones and helps to build trust and the spirit of compromise. On the contrary the second approach is the package deal that involves simultaneous settlement of a number of issues forming part of the conflict. This has an advantage since it widens the number of issues making it possible to have room for trade-offs. This means that losses in one area are essentially offset by gains in others.[18]

Proceeding on this basis several themes were derived by fractionating the core the issues about this conflict. They included constitution and governance; Disarmament, Demobilization and Reintegration; Land and Property rights; Economic Recovery and reconstruction; Regional and International Relations, and Conflict and Reconciliation. To negotiate these issues six committees were created.[19] Negotiations were seen to provide the various clans with opportunity for trade-offs in which the loss of a clan in one committee could be offset by gains made by the same clan a different one. For example the gains of *Digil Mirifle* after the adoption of a federalist system were offset by their failure in committee three to secure the return of their land. In this sense the *Digil Mirifle* twin objective of securing both a federalist system of government and recovering the land they lost during the civil war did not both materialize. This is called win-win

[17] Ronald Fisher J., "Third-Party Consultation as Method of Intergroup Conflict Resolution: A Review of Studies," *Journal of Conflict Resolution* Vol. 27, No.2 (1983) pp.301-34
[18] Daniel Druckman, "Determinants of Compromising Behavior in Negotiation: A Meta-Analysis," *Journal of Conflict Resolution* Vol. 38, No.3 (1994) pp.507-56
[19] Document on Core Issues Identified from the Plenary Session and Structure of Reconciliation Committees, Eldoret, 22nd October, 2002

solution in conflict management theory, where the gains of one party do not translate to losses for the other. Both parties therefore gain and loose at the same time.

5.3 Issues at the Negotiation Table

Governance and constitutionalism, the first contentious issue, was addressed by Committee One. The committee's mandate was to define the duration and structure of a federal national authority, determine the regions or states to comprise the federal system and to define the relationships and security arrangements between the region and the national level. Besides, the committee had the task of protecting the legal rights of the minorities.[20] To do so it required to address governance. Governance is understood as the conscious management of public affairs through rules and structures that help effect political action and the solution of societal problems.[21] In this case governance comprises complex mechanisms, processes and institutions, through which citizens and groups articulate their interests, mediate their differences and exercise their legal and constitutional rights and obligations.[22]

From this perspective, governance takes two forms; there can be either poor or good governance. Whereas good and legitimate governance refers to situations or practices in which authorities rely on and use legitimate rules in an acceptable way, the reverse is true of poor governance. The practice of good governance is associated with state responsiveness and accountability to the citizens. Good governance uses resources in an efficient and equitable way, while poor governance is the situation where leaders misuse power and disregard public rules in the management of public affairs. This kind of leadership accompanies lack of responsiveness and unaccountability. This is common practice under military dictatorship and one party rule. It

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[20] Terms of Reference Committee on Federalism and Provisional Charter. *Document of the Somalia National Reconciliation Conference, SNRC/Ph 2/TC/TORs*, Eldoret, 2nd December, 2002.pp.1-2
[21] "Governance for Sustainable Human Development," *United Nations Development Program*, 1997.
[22] Peter Wanyande, "State Driven Conflict in the Greater Horn of Africa," *Paper presented at USAID Workshop on Conflict in the Horn of Africa*, Nairobi, 17th May, 1997.

is important to note that governance affects the allocation of political power and economic resources in society.

The debate on the Somali state is influenced by two contradictory views.[23] The first, held by the *Darood* clan argues that there was equilibrium among the major clans through equitable distribution of key government posts among them.[24] Contradicting this perception was the one held clans among the *Hawiye, Digil Mirifle* and the *Dir*. These clans were of the view that the "*Marehan-Ogaden-Dulbhante* were favoured by the regime of Siad Barre. In this case the privileges bestowed to the latter trio undermined the equality of Somali clans within the state.[25] Consequently, some clans amongst them the *Digil Mirifle*, defended the idea of establishing a federalist state to replace the centralized one.[26]

Along this line members of committee one were divided. The question was whether Somalia should adopt a federal system of government or return to the old centralized one. While the supporters of federalism insisted that it was the solution to Somalia's problems, the centralists dismissed it on the grounds that it would only, weaken Somalia and undermine its capacity to deal with external threats. Whereas the strongest proponents of federalism were the *Digil Mirifle* and Punt land, its opponents were largely drawn from the TNG. Those who rejected the idea argued in favour of preserving the unity Somalia to ward off imperialist tendencies of neighbors like Ethiopia. Just like federalists had different reasons, so did centralists. For example, while the interest of Punt land in federalism was driven by the need to retain its self

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[23] Anna Simons, "Somalia: The Structure of Dissolution," in Leonardo A. Villalon and P.H. Huxtable (Eds).*The African State at A Critical Juncture: Between Disintegration and Reconfiguration* (Boulder: Lynne Rienner, 1998) pp.59-60. See also Aves O. Hagi and Abdiwahid O. Hagi, *Clan, Sub-Clan and Regional Representation in the Somali Government Organization 1960-1990: Statistical Data and Findings.*
[24] I.M. Lewis, "The Nation, State and Politics in Somalia", in David R. Smoke and Kwamena Bentsi (Eds) *The Search for National Integration in Africa.* (New York: The Free Press, 1975) p.253 see also interview; Mudhane Maulid Maane, MP-TFG, member of the Leaders Committee, Soy, Eldoret, 10th January 2003.
[25] All the clans except the Darood held this view. See Committee One minutes of 2th December, 2002.
[26] I. M. Lewis, "Misunderstanding the Somali Crisis," *Anthropology Today* vol.9 no.4 (1993) pp1-3

declared autonomy, the *Digil Mirifle*, saw it as an opportunity to gain what they had agitated for in vain since independence. In this regard the latter viewed a federalist system as a means to free their rich agricultural land from occupiers.[27] Clans like *Hawiye* and *Darood* rejected federalism with a view to not only block Punt land and other autonomous regions from legitimizing their claims, but also to stop the *Digil Mirifle* scheme of regaining their occupied land.[28] The *Hawiye* and *Darood* accused of illegal land and property ownership.[29]

Watts[30] views federalism as political systems in which there are two or more levels of government. From this perspective, a political system of this nature combines elements of shared rule, through common institutions, and regional self-rule for constituent units. Akin to this thinking, Elazar[31] identifies the essence of federalism in the balance between shared rule and self-rule. Adoption of a federal system of government is justified on account of two explanations. Whereas the first is uniting originally separate political entities, the second refers to holding within the same boundaries those who otherwise might question the legitimacy of the state. Although Somalia under Siad Barre was united as a state, in the post-Barre period it was dismembered by different factions.

In the 1980s, clan-based factions emerged as opposition. For example, the *Isaaqs* in the north formed Somali National Movement (SNM), an opposition movement whose objective was to redeem their territory.[32] Likewise, the United Somali Congress (USC) for the *Hawiye*, Somali Social Democratic Front (SSDF) and Somali Peoples Movement (SPM) for the *Darood* and the

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[27] The Hawiye clans like Habar gidir and Eeyr took land in the interriverine territories during the civil war.
[28] Interview: Abukar Sodal, Delegate Somali National Reconciliation Conference, Eldoret, 27th November 2002
[29] Interview; Mudhane Arale, MP Somalia, Member of Hawiye clan, Nairobi, 3rd March, 2010
[30] Donald Watts, *Comparing Federal Systems* 2nd edition (Montreal: McGill-Queens University Press, 1999) pp6-7
[31] see Daniel J. Elazar, "Federalism," in Seymour M. Lipset, *The Encyclopedia of Democracy*, Vol. II (London:Routledge,1995)
[32] Interview Mohamed Jangoan, Former Interior Minister, Eldoret, 9th December, 2002

Rahanweyn Revolutionary Army (RRA) for *Digil Mirifle* were formed.[33] In essence these factions challenged the legitimacy of Barre's government. The legacy of inter-clan conflict did not reverse after the fall of Siad Barre in 1991. As the civil war continued clan based opposition movements entrenched themselves.[34]

A major product of these divisions was the self-declared Somaliland Republic, which abrogated the union agreement of 1960 and seceded from the rest of the country. The example was followed by Puntland, Jowhar and the southwestern state. The repeated emphasis on the holiness of the Somali unity captured in the transitional charters adopted in both Arta and Nairobi. To preserve the unity, deliberate efforts were made to include Somaliland in the final deal both in Arta and Nairobi, despite her boycott. The division of the country into these *de-facto* autonomous regions controlled by different clans or sub clans was perhaps the most important factor that convinced the Somali politicians who participated both in Arta and in Nairobi that a federal system was inevitable if the former Somalia Republic was to remain held together.[35] Although not all the groups declared territorial autonomy, federalism was viewed as an appropriate response to this threat of disintegration. According to Adam,[36] the issue of a federal system was not new because as early as 1947 the *Digil Mirifle* clan was calling for federalism on the basis of the distinction they saw between them and the pastoral northern Somalis.

They always advocated for federalism as the only way that could ensure equal opportunity for all Somali groups.

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[33]For details see Committee Six Report, document of the *Somalia National Reconciliation Conference*, Nairobi, May, 2003. see also Ahmed Samatar who argues that it was the government of Siad Barre that forced the nation to fragment into clan-based communities, each demanding autonomy in a federal state system

[34]Abdi Samatar, "Leadership and Ethnicity in the Making of African State Models: Botswana versus Somalia," *Third World Quarterly*, vol.18, no.4 (1997) pp.687-707

[35]"Somaliland: Democratization and its Discontents," *International Crisis Group Report*, no.66, Nairobi, 28th July, 2003

[36]Hussein Adam, "Somalia: Militarism, Warlordism or Democracy?" *Review of African Political Economy*, no 54 (1992) pp.16-26; see also Ahmed Samatar, *Socialist Somalia: Rhetoric and Reality*. (London: Zed Books, 1988) p.76 and I. M. Lewis, *Blood and Bone: The Call of Kinship in Somali Society*. (New Jersey: Red Sea Press, 1993) pp75-76

5.3.1 Negotiating Governance and Constitutionalism

In negotiating this issue, Committee One split into two sections. Whereas one section of the committee taking a structural perspective, called for the adoption of a federalist governance system, the other insisted on a unitary one. Those behind federalism claimed that in the previous governments they had been discriminated. Statistics show that two clans, *Hawiye* and the *Darood*, dominated the first period of Somali government (1960-1969). The second period 1969-1990 was overwhelmingly *Darood*.[37] While in the first period the *Digil Mirifle* representatives were a few in numbers, in the second, however, the situation worsened for instance. The *Jererwyn* and the *Dir* also lacked significant representation in government. The disproportionate distribution of the Somali cabinet among the clans similarly reflected among the top civil servant posts.[38] The clans that felt under represented insisted that the anomaly is correctable by changing governance system to a federalist one.[39] However, other groups felt there was fair representation and rejected the proposed change in the constitutional dispensation. The latter held that a centralist government was good for Somalia.

The acrimony and differences between the two sections of the committee did not relent despite numerous appeals from the IGAD TC for a compromise position. Alliances were formed as a basis to strengthen the negotiating position. The TNG and members of G8 supported a centralist government while those aligned to the Somali Reconciliation and Restoration Council (SRRC) rejected it. For days, the committee became dysfunctional as each faction fiercely defended its position considering that the stakes were indivisible. While arguing this idea of

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[37] Interview: Abukar Maridadi, founder of SDU, member of the SRRC, Eldoret, 16th December, 2002.
[38] Aves O. Hagi and Abdiwahid O. Hagi op.cit pp.170-174
[39] In Interview Awad Ashara, formerly Minister for Justice and Religion in Punt land and current TFG MP, asserted that proponents of the federal system were representatives of the Digil Mirifle, the Minorities and the some SRRC members, Eldoret, 15th, December 2002. See also Abraham Malakwen, "Somalia Committed to seeking lasting peace," *Daily Nation,* Nairobi, 17th October 2002.

indivisible stakes Pillar[40] among others concludes that negotiations are impossible under such circumstances. Indivisibility of stakes implies that each party views the stakes as non-negotiable and therefore are unwilling to compromise. The Somali groups in this case were unwilling to compromise issues of political representation, redistribution of resources and territorial integrity. Each insisted that it was all or nothing thus rendering any compromise impossible.[41] Although Pillar[42] acknowledges that internationalization of conflict improves chances of negotiations, this was not the case among the Somalis. In spite of the issues being internationalized through regional politics the opposite seems to be true. In the discourse about the future political dispensation in Somalia, the TNG read mischief in the federalist agenda. It believed that Ethiopia was behind the idea of federalism as a means of dismembering and weakening the state of Somalia.[43]

According to the TNG and its allies, Ethiopia unhappy with a strong united Somalia did everything to block it. Besides, its allies like Abdullahi Yusuf, Musa Sudi, Barre Hiralle, Shartigadud, Omar Finish, Madobe, Abdirizak Bihi and Mohamed Dheere controlled territory and were unwilling to cede it back to the TNG.[44] In the view of TNG President the TNG, was determined to force the faction leaders to give up the territories they controlled illegally.[45] In appealing to IGAD, Abdikassim, (the TNG president), believed that he would backing for his idea of securing the territories for his government.[46] This plan received support from Djibouti, which had helped in the formation of TNG at Arta in 2000.[47] Djibouti not only disliked the faction leaders but also opposed Ethiopia's agenda of using the autonomous regions in Somalia

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[40] Paul Pillar op.cit pp. 24-30
[41] Interview Mohamed Jangoan, Former Interior Minister, Eldoret, 9th December, 2002
[42] Paul Pillar op.cit pp. 24-30
[43] Interview: Asha Abdallah, former TNG Minister, Eldoret,7th December, 2002
[44] Interview: Abukar Maridadi, Chairman and founder of SDU, member of SRRC, Eldoret, 4th December 2002.
[45] Interview: Mohamed Ali Gure, Civil Society representative in committee One, Eldoret, 14th December 2002.
[46] Details are discussed in Chapter Four
[47] Interview: A member of group B of Committee One, who requested anonymity, Nairobi, 21st March, 2003

as building blocks for a new political dispensation.[48] If that happened Djibouti's determination to ensure that the fourteenth conference was a continuation of the thirteenth conference at Arta would have failed. Under these circumstances, despite the fact that the issue was internationalized, it remained controversial and elusive throughout the negotiations.

5.3.2 The Compromise

Besides ultimatums and even persuasion members of committee one did not relent. The faction of the committee came up with its report to the TC. The TC received two versions of the charter one,[49] one calling for a centralist form of government and the other a federalist system.[50] Ethiopia based its argument for a compromise on the interpretation of the mandate given to the committee. According to that mandate the committee was to define the duration and structure of a federal national authority, determine the regions or states to comprise the federal system and to define the relationships and security arrangements between the region and the national level.'[51] Lastly, the committee had the task of protecting the legal rights of the minorities.[52] On this basis Ethiopia argued that the report on centralist government went contrary to the mandate given. This forced members of committee one who supported the centralist view to relent. However, contention remained about the timing of implementing the federal system. While the federalists insisted on the immediate adoption of the system, the centralist called for a progressive implementation of the system.[53] They argued that there was a need to first review the boundaries of territories before federating since some of the boundaries touted were created arbitrarily. This

[48] Djibouti excluded them from the peace talks held in Arta; see Chapter Three for detailed explanation.
[49] "Preamble by the Chairperson of group A," *Draft Charter A*, Nairobi, 24th March, 2003
[50] "Preamble by the Chairperson of group B," *Draft Charter B*, Nairobi, 23rd March, 2003
[51] Terms of Reference Committee on Federalism and Provisional Charter. *Document of the Somalia National Reconciliation Conference, SNRC/Ph 2/TC/TORs*, Eldoret, 2nd December, 2002.pp.1-2
[52] Ibid
[53] "Preamble by the Chairperson of group A," *Draft Charter A*, op.cit. p.i

position paradoxically attracted the support of diehard proponents of federalism like Mohamed Dheere and Maulid Maane of SRRC.[54]

5.3.3 Disarmament, Demobilization and Reintegration

In the view of one delegate, the problem in Somalia was how to deal with a large number of arms and militias that emerged during the civil war.[55] Over the last two decades, awareness has grown regarding the importance of weapons control and disarmament, demobilization and reintegration (DDR) in peace processes.[56] Literature about DDR indicates that it is not only important during the negotiation of the agreement but also in the implementation period. In many cases, the handling of DDR significantly contributes to the success or failure of peace processes.[57] If a peace process contains weak or insufficient provisions for dealing with weapons, failure is likely however, adequate attention to DDR is likely to help move the outcome of a process towards success.

Whereas disarmament entails collection, control and disposal of small arms and light weapons and the development of responsible arms management in a post-conflict context[58], demobilization on the other hand means either demilitarization or disbanding of combatant

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[54] These were largely the minorities, occupying central, and the riverine regions that were invaded by stronger armed groups like the *Habar gidir* sub clan of the *Hawiye.*

[55] Interview: Hussein Elabe Fahiey, Delegate at the Somali National Reconciliation Conference, Eldoret, 2nd December, 2002; see also "Delegates hinge success of Somali talks on Disarmament," *Daily Nation,* Nairobi, 25th November,2002

[56] Camilla Waszink, "Trends in Weapons control and Disarmament in Peace Processes," *Viewpoint: Negotiating Disarmament* Vol.1 (March, 2008) pp 5-8

[57] Kees Kingma, "Assessing Demobilization: Conceptual Issues," in Kees Kingma (ed) *Demobilization in Sub Saharan Africa* (Houndsmills: MacMillan, 2000) pp. 26-27

[58] Mark Knight and Alpaslan Ozerdem,"Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace," *Journal of Peace Research* vol. 41, no.4 (2004)pp.499-516 see also Mats Berdal, "Disarmament and Demobilization After Civil Wars, " *Adelphi Paper 303* (London: International Institute for Strategic Studies, 1996), Kees Kingma, "Demobilization, Reintegration and Peace building in Africa," in Edward Newman & Albrecht Schnabel (eds) *Recovering from Civil Conflict: Reconciliation, Peace and Development.*(London: Frank Cass, 2002) pp.181-201

groups during the war to peace transition.[59] Like other parts of Africa, the Horn is awash with military hardware because of Cold War superpower geopolitics which saw the USSR and USA compete.[60] Huge amounts of weapons were consequently brought into the region. Unfortunately, after the Cold War, these weapons fell into civilian hands as the Somalia government weakened and eventually collapsed thus creating an enabling environment for the emergence of a large number of militia groups.[61] In addition, armed Somali factions obtained other weapons through their allies and patrons. The SRRC was equipped by Ethiopia for instance.[62]

DDR is an element of a broader political transition from violent conflict to peace. Modern literature however, adds the concept of reinsertion to the process of DDR. This refers to the situation where the combatants return to the community as civilians.[63] In cases where a conflict terminates through a clear military victory and DDR is undertaken in post conflict, weapons are usually confiscated from ex combatants of the defeated forces. However, if peace is secured through an agreement with a mandate for DDR, disarmament is a voluntary process that relies on the goodwill and mutual confidence of the parties.[64] In the case of Somalia none of the parties achieved outright military victory and therefore there was need for a comprehensive peace agreement that mandated DDR.

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[59]Demilitarization implies that the government retains administrative control over the state's territories and there exists no viable armed opposition. see for a detailed explanation Nat Colletta, Markus Kostner & Ingo Wiederhofer, *The Transition from War to Peace in Sub Saharan Africa.*(Washington DC: World Bank, 1996) and also Paul Collier, "Demobilization and Insecurity: A Case Study in the Economics of Transition from War to Peace," *Journal of International Development* Vol.6, no.3 (1994) pp.343-351; see the definition in *Disarmament, Demobilization and Reintegration of Ex-Combatants in Peacekeeping Environment: Principles and Guidelines* (New York: Lessons Learnt Unit, Department of Peacekeeping Operations, 1999)

[60] Edmond J. Keller, "Introduction: Toward a New African Political Order," in Edmond J. Keller & Donald Rothchild (eds) *Africa in the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynn Rienner, 1996) pp. 6-7

[61] Ibid

[62] Interview with Abdirahim Haji Ahmed, National Salvation Council Delegate , Nairobi, 26th January, 2004

[63] Kees Kingma, "Demobilization of Combatants After Civil Wars in Africa and their Integration into Civilian Life," *Policy Science* vol. 30, no. 3(1997) pp.151-165

[64] Jeffery Isima, "Cash Payment in Disarmament, Demobilization and Reintegration Programmes in Africa," *Journal of Security Sector Management* Vol. 2, No.3 (September, 2004) pp. 2-10

While DDR between states is by withdrawal of troops, this is not the case in intra-state conflicts. Unlike all other conflicts, in intrastate ones, weapons appear to be the most powerful bargaining chip that parties possess around the negotiating table. Consequently, circumvention and deception is rife. Whereas at negotiations exaggeration of weapons and combatants is a way of strengthening ones bargaining position, on the contrary, at disarmament, deflation of these figures is a measure of retaining weapons and therefore some form of power. For instance, during the negotiations Qanyere's military strength was highly exaggerated in Mogadishu.[65] Kenya taking this view hoped to rely on his support for the DDR process in Mogadishu. As a result he nominated all *Murusade* MPs single handedly without consultation as the TC influenced by Kenya and Ethiopia looked the other way. However, during the re-entry period it was realized that Qanyere was actually fronted by Bashir Rage and a section of Mogadishu businessmen.[66] It is not surprising that once he fell out with his sponsors, Kenya's attempt to help him win the presidency backfired.

Although DDR is carried out in the post conflict period, its success or failure rely on the political process.[67] If the political conditions are favorable, efforts to remove weapons are widely successful. However, where the conditions are unfavorable limited success is expected. This does not mean that there are no instances where DDR took place without regard to political reality. External influence often contributes to such situations. Understood in this way, DDR becomes an integral part of the political process of negotiation.[68] Where negotiations generally neglect or pay inadequate attention to DDR there is a high chance of failure to implement the

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[65] His assistants like, Mustafa, spread the rumours about the amount of weapons he owned.
[66] See chapter seven for details of how Kenya even sponsored him for the Presidency and hoped in vain he could be Prime Minister after failing to secure the presidency.
[67] Colin Gleichman et al, *Disarmament, Demobilization and Reintegration: A Practical Field and Classroom Guide*.(Frankfurt: GTZ,NODEFIC,2002) pp. 15-19
[68] Chris Alden, "Making Old Soldiers Fade Away: Lessons from the Reintegration of Demobilized Soldiers in Mozambique," *Security Dialogue*, Vol.33, No. 3 (2002) pp. 341-356

outcome. On the other hand where negotiators appreciate the importance of DDR the chances of success increase significantly.[69]

It is argued the neglect of DDR in negotiations is often due to lack of or limited experience. For instance, in Liberia, neither the Cotonou Accord of 1993 nor the successive follow up agreements in 1994, 1996 had provisions for DDR.[70] The Dayton Agreement that ended the armed conflict in Bosnia stipulated a series of arms control but the measures were pertaining to heavy conventional weapons, and ignored the category of small and light weapons.[71] Besides these examples, where senior politicians and mediators did not prioritize DDR in the negotiations there are other processes, where a deliberate choice would be made to either delay or avoid the discussions on this particular issue for fear that it is too sensitive and might derail the peace process. The Somali National Reconciliation conference took the first view at the beginning but changed somewhere mid-way. As such when the negotiations began Committee Two was specifically charged with the task to address DDR.[72] Its terms of reference included not only making plans to gather weapons and military personnel at one or more locations but also to gradually reduce armed militia and weapons. Others aspects were to set up military and regional police forces integrate militia personnel back into society and set up corrective services.[73] To help with this matter GTZ among others offered expert advice to the

[69] Ibid
[70] Adekeye Adebajo, "Liberia: A Warlord's Peace," in S.J. Stedman, D. Rothchild and E.M. Cousens (eds) *Ending Civil Wars: The Implementation of Peace Agreements* op.cit. pp. 610-619
[71] Elizabeth M.Cousens, "From Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia," in S.J. Stedman et al (eds) *Ending Civil Wars: The Implementation of Peace Agreements (Boulder: International Peace Academy,* 2002) pp. 545-547
[72] See also Cathy Majtenyi, "Weapons Control the Key to Target of Somali Talks," *The East African,* Nairobi, 9-15th December, 2002.see also "Delegates hinge success of Somali talks on disarmament," *Daily Nation,* Nairobi, 25th November 2002.
[73] "Terms of Reference Committee Two on Demobilization, Disarmament & Reintegration," *Document of Somalia National Reconciliation Conference, SNRC/Ph 2/TC/TORs,* Eldoret, 2nd December, 2002.pp.3-4

committee.[74] However, the committee could not make much headway due to combination of factors.

First due to the sensitivity of the weapons issue, members of the committee only stuck to a limited and general understanding of DDR. Under these circumstances, the committee proposed the creation of National Disarmament and Rehabilitation Commission and a National Disarmament Commission to deal with the matter.[75] This in a way postponed the matter to await creation of such mechanisms through an Act of parliament. The greatest silence, however, was on the issue of who exactly would do the exercise. In addition, there were no names of the custodians of the weapons; no precise list of the nature of weapons and no numbers despite the fact that, the committee visited Somalia several times to establish facts on the ground.[76]

Despite these shortcomings the committee gave a timeframe of six months within which DDR should be undertaken. Unfortunately, the matter which could have been pursued further especially during the plenary, was not, due to the lack of expertise and a change in the negotiation script. The change in the script shifted focus of the process to outcome and a deliberate choice to ignore contentious issues. DDR being one of those issues that was highly sensitive and contentious was not discussed significantly either during the plenary or thereafter.[77] An attempt to revive the DDR issue was by the Somalia parliament during a session that discussed the question of peacekeeping in the country. However, the session of parliament ended in a fight.[78]

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[74] Cathy Majtenyi, "Somali Fighter Suffer Mental Illnesses-Study," *The East African*, Nairobi, 7-13th April, 2003
[75] see Committee Two's report; *Disarmament, Demobilization and Reintegration Draft Report*, Eldoret, 3rd December, 2002
[76] Ibid p.6
[77] Interview Eng. Abdi Buule Hussein, Chairman Disarmament, Demobilization Committee, 17th September 2003
[78] Ken Ramani, "Somali MPs arrested over city hotel brawl," *The Sunday Standard*, Nairobi, 20th March, 2005, see also Ken Ramani, "Now Somalia parliament apologizes over city chaos," *The Standard*, Nairobi, 6th April, 2005

In the Committee Two, all the members agreed on the need to demobilize the modalities of the process but were not easy to reach because of suspicion and mistrust among the various factions and clans represented within the committee. Each faction leader jealously guarded their territory using the power of the gun, so they perceived disarmament as tricky because it could alter the balance of power.[79] Most armed faction leaders were not comfortable with the idea of disclosing the amount of weapons they had. Therefore, the committee could not create an accurate inventory of the weapons. The attempt by the committee to visit certain areas to carry out a survey of the weapons met resistance from some faction leaders who refused to grant permission for the committee to enter their territories during its numerous visits to Somalia.[80] Similarly, discussions revolved around finding consensus on the establishment of safe houses where clans and others could keep their guns. The safe houses were to be under the strict control of a council comprising elders, regional and international community representatives was charged with responsibility to monitor and determine access to and use of the arms. The faction leaders out-rightly rejected this idea. Most did not trust the elders, regional powers and the international community. A safe house presumes a cohesive, well-coordinated, secure environment where absolute control is the norm.[81] Technically the idea was impracticable because Somalia lacked areas that were safe houses. From a regional perspective, DDR was also problematic due to regional channels of arms smuggling that perpetuated the activity.[82]

[79] Interview: Abdi Kering Nasir Seif, member of Demobilization, Disarmament and Reintegration committee, Eldoret, 2nd December, 2002; see also David Last, "The Human Security Problem-Disarmament, Demobilization and Reintegration," in *A Source Book on the State of the Art in Post Conflict Rehabilitation*, unpublished report for Southern Lebanon. (York: PRDU, University of York, 1999)
[80] Mohamed A. Qanyere and Musa Suda refused to allow the DDR committee to land during the verification visit on 14th April, 2003
[81] Interview: Larry Okungu, Africa regional director- Geneva Call, Nairobi, 14th January, 2003.
[82] Michael Pugh et al, *War Economies in a Regional Context: Challenges of Transformation*.(Boulder: Lynne Rienner, 2004)pp.2-3

Experience shows that the way DDR is planned has direct bearing on the reintegration of the ex combatants. Both disarmament and demobilization are integral parts of reduction of weapons amongst civilians. However, this process is never complete in post civil war situations if ex-combatants do not return to civilian life. But as part of a political exercise that has political consequences, demobilization easily becomes complicated where there is suspicion and mistrust, and impossible where exclusion is the norm.[83] Suspicion creates a security dilemma. In this case none of the parties is willing to give up its weapons first, because of fear that others might capitalize on that situation. In addition to this, Somalia's demobilization became complicated because of the diffusion of violence and the accompanying proliferation of arms into all sectors of society. The rifts between the groups rendered integration and a deal in disarmament one of the most difficult things to achieve among the Somalis. Whereas DDR may not necessarily, need international involvement, the lack of functional government institutions in Somalia complicated the exercise and called for outside intervention to assist with the process.[84] But this need, to have outsiders created even further divisions among Committee Two members. To avoid further, wrangling, the committee decided to hand in their report without resolving the sticky issues.

The TC accepted the report from Committee Two without answers to two vital questions; who would be involved and how would DDR process proceed.[85] The result was that the peace agreement had insufficient provisions dealing with DDR. This not only raised serious concerns for re-entry but also affected the implementation process. For instance, one of the immediate consequences was a split on the re-entry plan. While the president Abdullahi Yusuf and some members of the Somalia parliament relocated in Jowhar, the Mogadishu warlords relocated in

[83] Ken Ramani, Peace troops for Somalia despite MPs' resistance," *The Sunday Standard*, Nairobi, 20th March, 2005
[84] Ibid
[85] See Chapter Seven

Mogadishu.[86] The failure of the president to enter the capital had serious psychological implications. It significantly undermined the implementation stage of the peace process.[87] What all these indicate is the actual intentions and readiness on the part of the parties to negotiate an end to the conflict. Problems of DDR in the case of Somalia increased with delays in deploying peacekeepers. Uganda and Burundi among the states that honored the promise to send peacekeepers only came, many months into the implementation.[88] Such delays jeopardized the DDR process.

5.3.4 Land and Property Issues

Committee Three comprised of members of different clan and faction members and Prof. Kameri-Mbote, as a legal advisor, from Faculty of Law, University of Nairobi. The terms of reference required the committee to deal with clan and regional disputes over occupied land and property.[89] Additionally, the committee was to propose a detailed legal mechanism for the settlement of land disputes and a timeframe within which to implement its proposals. At the center of the issue was the illegal occupation by the *Hawiye's Habar gidir* especially the *Saad* and *Eeyr* of lower Shabelle and Bay-Bakool. [90] Additionally, the *Eeyr* and *Marehan (Darood)* occupied lower and middle Jubba while Gedo was under the latter's control.[91] Although the *Marehans* stay in Geddo they form the minority, however, benefitting from the remnant forces of

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[16] "Disarming the militia key to order in Somalia," *The Saturday Standard*, Nairobi, 16th January, 2005, see also Robyn Dixon, "Shaky Somali government can't even meet at Home," from LA Times quoted in *The Standard*, Nairobi, 26th March, 2005

[87] See Chapter eight

[88] Lucas Barasa, "Somalia accuses African states of neglect," *Daily Nation*, Nairobi, 9th May, 2006

[89] "Terms of reference Committee Three, Land and Property Rights," *Document of Somalia National Reconciliation Conference, SNRC/Ph2/TC/TORs*, 2nd December, 2002.pp.5-6

[90] After the assassination of his father Hussein Aideed imported *Oromos* of Ethiopia residing Eritrea to help him contain the local revolt led by Shartigadud and the RRA. The RRA received help from Ethiopia due to the latters' enmity with Oromos. The *Habar gidir* lost to RRA Bay and Bakool during this conflict.

[91] Interview: Hussein Osman, Member of parliament Somalia Transitional Federal Government, Nairobi, 1st April, 2010

Siad Barre they expanded their influence in the area displacing other clans.[92] Contention also reigned on individual and government properties that were illegally acquired by the *Habar gidir* in and around Mogadishu. Although traditional literature explains conflict in terms of grievance, modern literature on the contrary focuses on the economic dimension. Two competing explanations emerge from the modern understanding. One view explains conflict in terms of scarcity, while the other looks at surfeit.[93] Both explain current conflicts, for example, in Somalia and DR Congo.

The land and property issue in Somalia can be viewed from the scarcity perspective. The *Habar gidir* and *Marehans* displaced the *Digil Mirifle, Bimaal* and *Jererwyn* from the interriverine regions. While the *Habar gidir* and *Marehans* originated from the dry regions of central Somalia where food, water and pasture are scarce they occupied the rich productive lands of lower Shabelle and the two Jubbas. Farah et al.,[94] conclude that economic scarcity especially land and other resources is central to the onset and continuation of the Somalia conflict. Apart from scarcity, Collier[95] also asserts that greed or loot is also a motive for conflict today. The greed thesis contends that access to natural resources and the availability of many ill-educated youths provide rebels incentive and opportunity to make wealth by using violence.[96] Power struggles between the elites inflamed competition for resources and survival that in turn

[92] It is important to note that these groups were expelled later expelled from these regions after the locals secured support of Al-Shabab

[93] Joao Gomes Porto, "Contemporary Conflict Analysis in Perspective," in Jeremy Lind & Kathryn Sturman (eds) *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Pretoria: Institute of Security Studies, 2002) pp.1-32

[94] see details in Ibrahim Farah, A. Hussein & J. Lind, "Deegan, Politics and War in Somalia," in Jeremy Lind & Kathryn Sturman(eds) *Scarcity and Surfeit: The Ecology of Africa's Conflict* op.cit

[95] Karen Ballentine & Jake Sherman, "Intruduction,"in Karen B., & J. Sherman (eds) *The Political Economy of Armed Conflict: Beyond Greed and Grievance.* (Boulder: Lynne Rienner, 2003) pp.2-5; More details are in Chapter Two.

[96] see Phillipe Le Billion, "The Political Economy of Resource Wars," in Jakkie Cilliers and Christian Dietrich(eds) *Angola's War Economy: The Role of Oil and Diamonds*(Pretoria: Institute of Security Studies, 2000); Paul Collier, "Doing Well Out of War," in M. Berdal and D. Malone(eds)., *Greed and Grievance: Economic Agendas in Civil Wars*(Boulder: Lynne Rienner, 2002) pp.14; Koen Vlassenroot & Hans Romkema, "The Emergence of a New Order? Resources and War in Eastern Congo, *"Journal of Humanitarian Assistance*, October, 28th 2002.

guaranteed a level of support for the militias. [97] Incidentally in Somalia there were many young people without education arising out of clannism. Warlords who looted and illegally took over individual and government properties like ports, airports and military barracks emerged. For example, while Qanyere took Danielle airport, Ahmed Duale Gelle (haf) controlled Kilometer 50 where they levied taxes on all planes that landed and took off.

Nevertheless, the committee acknowledged the genesis of the conflict but failed to negotiate an amicable solution. The contention over land pitted *Digil Mirifle* supported by *Bimaal* and *Jererwyn* against the powerful *Hawiye* sub clan of *habar gidir*. The two camps failed to agree but gave a recommendation that occupied land will have to be returned to the rightful owners.[98] To implement this, there was need to set up mechanisms that would oversee and facilitate the return of looted and illegally acquired property. The committee proposed various separate bodies to look into the issue of restitution and a land commission to deal with the question of tenure and occupation in disputed areas. [99] A further recommendation of that committee called for the issue of land to be addressed from the colonial period which was viewed as the genesis of the whole problem.

In spite of mapping land and property in terms of location, nature, ownership and condition Committee Three reached a deadlock when it came to charting the finer details of this dispute. Indeed, the difficulty arose from the fact the committee members were culprits either direct or indirectly.[100] Heated debates especially between *Hawiye* and *Darood* clans who stood accused and their accusers the *Digil Mirifle* and other minorities were the order of the day. These accusation and counter accusation prevented the committee to finish the finer details of the

[97] Kenneth Menkhaus, "Somalia: The Political Order of a Stateless Society, " *Current History* 97 (1998) pp.220-225
[98] See recommendations in Report by Committee Three, *Land and Property Rights*, Eldoret, 28th March, 2003
[99] Ibid
[100] Interview Mohamed Abdikadir Rashid, Delegate and member of committee Three, Eldoret ,17th December, 2002

mapping.[101] Additionally, the committee was supposed to propose legal mechanisms of settling the land disputes, but the members avoided this issue in their deliberations at the behest of the faction leaders who knew they might be targets.

Besides, these first steps focused on physical aspects of peace and ignored the economic ones. This is why there was emphasis on DDR although there is growing scholarly material on the causes of state collapse, civil war and post conflict reconstruction.[102] One explanation for this is the fact that security concerns are usually prioritized at the expense of others including economic ones. There is often list of concerns to be negotiated but little or vague discussions are held about economic issues compared with the attention given to security and justice.

However, there are peace agreements for instance the Oslo accord[103] and Mozambique[104] to mention a few that are major departures from this norm. Unlike the above, economic concerns of the Somalis were ignored at the expense of other concerns.[105]

5.3.5 Economic Recovery and Reconstruction

Committee Four was called upon to come up with a post-conflict macro-economic plan that could support a federalist structure, rehabilitation and trade strategy.[106] From a negotiation viewpoint, this committee had the least amount of contentious issues. Led by Abdi and de Jong, the committee prepared a blue print for Somalia's recovery. The blue print proposed sharing of

[101] Interview, Mohamed Kulmiye, member of committee three, Eldoret, 21st December , 2002
[102] Susan L. Woodward, "Economic Priorities for Successful Peace Implementation," in Stephen Stedman et al, *Ending Civil War: The Implementation of Peace Agreements*(Boulder: Lynn Rienner, 2002)pp.183-187.
[103] Jan Egeland, "The Oslo Accord: Multiparty Facilitation through the Norwegian Channel," in Chester Crocker et al (eds) *Herding Cats: Multiparty Mediation in Complex World* (Washington DC: US Institute for Peace, 2003) pp.542-546
[104] Aldo Ajello, "Mozambique: Implementation of the 1992 Peace Agreement," in Chester Crocker et al (eds) *Herding Cats: Multiparty Mediation in Complex World* op.cit pp.637-641
[105] Francis Openda, "General Morgan fights for his clan," *East African Standard*, 28th September, 2004
[106]"Terms of reference Committee Four Economic Reconstruction, Institutional Building and Resource Mobilization," *Document of Somalia National Reconciliation Conference, SNRC/Ph2/TC/TORs*, 2nd December, 2002, pp.7-8

revenue collected between the Federal level and state level in the ratio 3:2, the establishment of a commercial court to resolve commercial, trade conflicts, and federal agency among others.[107]

For a long time scholarly work on conflicts focused attention only on internal problems of states in the post conflict period. This approach is problematic because its analysis is based on the false assumption that conflicts are confined within the sovereign state borders.[108] Neglect of the transnational and regional dynamics that feed into conflict has resulted in partial settlements that remain fragile and easily disrupted or interventions that do little to stop the violence from shifting around the region. The Somalia conflict attracted attention not only from within the region but also far beyond. The region was concerned with the disruption of trade the large number of refugees and the insecurity arising from the conflict. The international community on its part viewed this conflict as a threat to the peace and security of the world. Somalia situation was a fertile ground for terrorists.[109]

5.3.6 Regional and International Relations

Committee Five on Regional and International Relations addressed issues pertaining to Somalia's interests within the region and outside.[110] From the understanding that the Somali conflict has both regional and international dimensions, the recommendations of the committee were vital to peace. The committee deemed a peaceful Somalia as having an important role to play not only in the region but also internationally. To attain this objective, the committee agreed

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[107] Committee Four, Economic Recovery, Institutional Building and Resource Mobilization, *Draft Report Three*, Nairobi, March, 2003

[108] Neil Cooper, M. Pugh &J. Goodhand, *War Economies in a Regional Context: The Challenges of Transformation* (Boulder: Lynne Reinner, 2004) pp.2-5 see also Andrea Armstrong and Barnett Rubin, *Policy Approaches to Regional Conflict Formations*. Center on International Cooperation, 20 November 2002. See also Raymond W. Copson, "Peace in Africa? The Influence of Regional and International Change," in I.W. Zartman &F.M. Deng (eds) *Conflict Resolution In Africa* (New York: Brookings Institution, 1991) pp.21-22

[109] "Regional and International relations Report," Report by Committee Five, *SNRC/Phase 2/verbatim/* Soy Club-Eldoret, 9th January, 2003. Interview: Prof. Deeqa Ujoog and Dr. Qamar Aden Ali, committee Five member and chairlady respectively, Eldoret, 10th January, 2003

[110] "Terms of Reference," *Document of Somalia National Reconciliation Conference*," *SNRC/Ph2/TC/TORs*, 2nd December, 2002; see the terms also in the *Regional and International Relations Report*, Nairobi, March, 2003

that there was need to re-open and re-establish diplomatic, cultural and commercial ties and to recreate both bilateral and multilateral links. However, creation of links within the region became acrimonious. The problem arose out of different clans having alliances with different countries of the region. The focus of the problem was not so much about neighboring states like Kenya, Uganda, Eritrea and Sudan but over relations with Djibouti and Ethiopia. The committee was divided in its perception of the neighbors and their role in the process.

According to Bercovitch[111] and Bram[112] negotiators use two strategies from a game theory perspective. While some negotiators prefer compromise others resort to confrontation. Both strategies have different implications for negotiation outcome.[113] In this regard those members who viewed the participation of some states as useful became cooperative while those who perceived it as interference were confrontational. The *Jererwyne* led by Maulid could not stand the justification Gandhi, a member of the civil society, gave for the participation of Djibouti and his attacks on Ethiopia. This resulted in a confrontation between Maulid and Gandhi in which the latter sustained physical injury. This disagreement however, had a history. Its genesis could be traced back to the Arta peace process which locked out armed faction leaders and supported the civil society. Though Maulid was not an armed faction leader he was a member of SRRC and therefore, considered himself a key faction leader of the *Jererwyn*. And since the SRRC supported Ethiopia, it is not surprising that Gandhi had to be silenced physically for his attacks.[114]

[111] Jacob Bercovitch, "International Negotiations and Conflict Management: The Importance of Pre-negotiations," *The Jerusalem Journal of International Relations*, Vol. 13, no.1 (1991) pp. 7-21
[112] Steven Bram, "Theory of Moves," *American Scientist*, 81 (1993) pp.562-70
[113] see Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, management and Transformation of deadly Conflicts* 2nd edition (Cambridge: Polity Press, 2005) pp.16-17
[114] Interview: Prof. Gandhi, a member of the Committee Five, assaulted by Mauled's associates, Eldoret, 23rd December, 2002.

Whether one was viewed as a meddler or supportive was subject to their relation with the delegates. Each delegate defended the participation of their allies and patrons and criticized the others.[115] However, the latter strategy requires trust and belief that the other party will not renege. Literature on negotiations suggests that where groups emerge the tendency is to create alliances to give advantage of negotiating numbers. Somalia's ties with Italy, the Arab League, and Libya, South Africa, Middle East States, Egypt, the European Union, United States and distant China raised an acrimonious debate among the members of Committee Five. Informing the debate were issues to do with arms supply and embargo, refugees, disarmament and demobilization, terrorism, illicit cross border trade, irredentist tendencies, river Nile, security and national interest and the history of Somalia in relation to the states and the question of Islam.[116]

For instance, relations within the committee soured up between the armed groups and the TNG on issues of arms embargo. Whereas the TNG felt it was necessary and urged countries like the USA to act, the SRRC and Ethiopia, a close ally of the USA, opposed such a move. On the basis of interests on the Nile Egypt was determined to ensure chaos continued in Somalia as long as Ethiopia demanded its right to use the Nile waters for irrigation. Egypt therefore, strategized to continue the chaos in order to ensure Ethiopia's attention for security reasons remains high and its focus on Somalia does not waiver. Regionally, Egypt had the support of both the TNG and the G8 members who both suspected the intentions of Ethiopia in the peace process.[117]

[115]Interview: Advocate Aideed Ilkanaf, Member of Committee Five who claimed to be none partisan, Eldoret, 15th December, 2002.
[116] Committee Five, *Regional and International Relations Report*, Nairobi, March, 2003
[117] See Aden Mohamed, "Somalia peace talks proving futile: External interference and petty squabbles to blame for stalemate," *Daily Nation*, Nairobi, 7th March, 2002.

From this analysis the Committee on regional and international cooperation made little headway in creating a policy for the future of Somalia both in the region and beyond. The many interests that played out remained a dividing factor for members of the committee and its final submission reflected the same.

5.3.7 Conflict Resolution and Reconciliation

Committee Six tackled matters related to the conflict and its resolution. The mandate of the committee came in a six point agenda from the Technical Committee. The agenda was to examine the sources of conflict, determine the structures of reconciliation, and investigate human rights violations and set post-conflict structures and measures that would deal with the conflict.[118] To accomplish this task, Matt Bryden of the War-Torn Societies took an advisory role. According to Fisher and Ury, [119] negotiators can adopt two contradictory approaches. In the traditional approach each party opens with a position from which it bargains with the others towards a common position. The committee members closely guarded their faction and clan positions right from the beginning. In opening the negotiation two opposing positions were taken on the issue of conflict mapping. Conflict mapping theoretically is a means to help understand the conflict as a measure of getting relevant mechanisms for its management. Conflict mapping answers fundamental questions about actors, issues and interests.[120]

In this regard, while those members affiliated to armed factions were afraid of mapping and viewed it as unnecessary, the civil society and those from the unarmed factions opposed that view.[121] The former were reluctant to engage in the exercise because they thought it would expose their groups and even lead to more acrimony than peace. Additionally, they suspected

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[118] Draft Agenda Phase Two: Committee Six, Conflict Resolution and Reconciliation, Eldoret, 4th December, 2002.
[119] Fisher R. and W. Ury, *Getting to Yes: Negotiating Agreements Without Giving In* (New York: Penguin Books, 1993)
[120] Ibid
[121] Verbatim recordings of the meeting of Committee Six members, Document of the Somalia National Reconciliation Conference, Eldoret, 17th December, 2002

that the information obtained could later be used against them.[122] The positions taken by the groups made it difficult for the committee to proceed since it is not possible to bargain from positions. Finally, although a compromise was reached at the end of three days, the consensus was that mapping may continue, but no individual names would be mentioned. Modern negotiations recognize the difficulty involved with positional bargaining. Instead, current approaches insist that parties should begin by analyzing the situation, their interests, perceptions and available options before eventually engaging in planning responses to the situation and other parties or discussing solutions. However, by the time the committee agreed to continue with mapping as a way of analyzing the situation, the expert Bryden had decided to leave the process and there was no option but for the chief consultant of the process in conjunction with the rapporteur to step in as advisors.

Agenda items 1 and 4 were the most difficult. Surrounding the negotiation on Agenda 1 on the sources of conflict, poverty became an outstanding contentious issue. Throughout the negotiations committee members remained sensitive to any issue that touched on their various groups. When Aweys made her opening remarks on this issue in Somalia the negotiations turned into accusations and counter accusations. On this item, the TNG laid blame on the SRRC for the prevailing situation while the latter also accused it of perpetuating Somalis suffering. The two parties failed to separate themselves from the issues thus, interpreting responses as personal attacks.[123] At this point Jangoan, the chairman, called for an early tea break. During the break heated arguments continued between different members. After resuming, some members of the committee argued that the matter needed be put to vote, but, Abdi Dhere opposed this suggestion

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[122] Field Notes, Committee Six meeting at Kaptagat, Eldoret, 7th January, 2003
[123] Fisher R. and W. Ury, *Getting to Yes: Negotiating Agreements Without Giving In* op.cit

and insisted that the committee had to reach a consensus.[124]   Because each member of the various factions in the committees stuck to their position, they remained stubborn and actually neglected the interests of the other parties.

The matter was rescheduled to the next day's agenda to allow the members to brief their principals (the faction leaders).[125] The next day the committee decided to stick to the principle of avoiding name calling, but this aside, the two remained apart in their positions. Luckily, the chief consultant came in his normal round of tours to see the progress of the committee. After discussions with the consultant and the rapporteur the chairman ruled that the committee not discuss the issue on the basis of who was to blame for the mess but rather in association with the conflict. At this stage with pressure from the chair, the two parties agreed that although poverty was at the source of this conflict it grew out of many years of poor planning, mismanagement of resources, looting and plunder by militias, relief supplies and business people who were cashing on the situation.[126]

By the end of the week it was clear that the parties had little trust between themselves. The experience not only created obstacles for future compromise but also harmed the relationships between committee members. This situation proved tricky for further negotiations. The committee worked well until 13th January, 2003, when once again the issue of human rights atrocities turned acrimonious. The controversy on Agenda 4 item started with Azari's insistence that the Somalis who committed atrocities be named and shamed for their actions. He also advanced an argument that UNOSOM was also culpable. But the chair refused and insisted that the committee could only recommend investigation about UNOSOM. The statement of the chair illustrated the limits of the committee to negotiate and reach whatever agreement they saw fit.

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[124] Field Notes, Committee six meeting, Kaptagat-Eldoret, 7th January, 2002
[125] Ibid
[126] Field Notes Committee six meeting, Kaptagat-Eldoret, 8th January, 2002

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This annoyed various committee members who followed Azari's example, with claims about UN forces in Somalia citing evidence in Mogadishu, Jowhar, Juba and lower Shabelle. The members blamed the atrocities committed between clans as responsible for inter clan conflicts. Although both Abdulle and Siddow mentioned the factions responsible as SNF, USC/SNA, USC/SSA, Mayow viewed the problem as cyclic and traced it to the regime. These views however, did not see the end of the day.

As the shouting match continued the meeting had to be adjourned to allow the members to cool down. On resumption Jibril insisted that the whole of Somalia witnessed the brutality and therefore urged the committee to recommend a Truth and Reconciliation Committee to be set up to address the issue.[127] The process thus remained acrimonious and full of blame games. The only achievement of the committee was therefore a limited map of the conflict and suggestion for several mechanisms to be put in place once the government was formed.

5.4 Political Transition in Kenya

By Christmas 2002 break only two out of the six committees namely; the Economic Recovery and that on Demobilization had completed their work. The other committees were disrupted in their work by several events followed in series. The first was the denial of food by hotels in Eldoret on the basis that they had not been paid.[128] The Somali delegates addressed associated this problem with corruption and insisted that the chairman of the TC should be replaced.[129] The beginning of 2003 brought a significant change in Kenyan politics. Having won the elections of December, 2002 Mwai Kibaki took over from Daniel Arap Moi. The transition from Moi to Kibaki significantly reoriented the focus of Kenya's foreign policy.

[127] Field Notes of Committee six meeting, Kaptagat-Eldoret, 13-16th January, 2003
[128] William Farina and Stephen Makeable, "Somalia Talks: Delegates denied food," *The Standard*, Nairobi, December, 2002.
[129] "Hotels paid Ksh.87m for Somali Delegates," *Daily Nation*, Nairobi, December, 2002.

Foreign policy is understood to be the sum total of all activities between different states.[130] Change in foreign policy occurs either due to a regime change or when the existing regime decides to move in a different policy direction.[131] Since the 1960s, Kenya's moderate approach to international relations had endeared her to many within the international arena. This gave Moi and his predecessor Kenyatta a platform from which to engage in regional and international affairs.[132] Moi changed the thrust of Kenya's foreign policy from a "wait and see" mode to one that sought a leading role in regional and continental affairs.[133] The experience of Moi during the OAU's intervention in Chad and Western Sahara influenced his decision to expand Kenya's foreign policy towards conflict management.[134] Believing that he could cut a niche in history by leaving a legacy of an African political leader through mediation, Moi began to orient Kenya's foreign policy towards conflict management. In pursuing mediation in regional conflicts Moi aimed at ensuring that regimes that followed the restoration of peace were friendly to Kenya, besides promoting vital economic interests.[135]

The regime change of 2002 in Kenya unfortunately upset this goal of Kenya's foreign policy. The new government was besieged by an ailing economy and the need to deliver on its campaign promises. Furthermore, disagreements followed that triggered internal wrangling, thus forcing the government to return to the "wait and see" approach to foreign policy. All these had the implication on decision making in the peace process which now fell on the special envoy. The special envoys portfolio requires that the appointee should be in close contact with the appointing authority. If the appointee is close to the authority profile is high because s/he brings

[130] see F.S. Northedge (ed) *Foreign Policies of Powers* (London: Faber and Faber, 1968) p.10
[131] Charles F. Herman, "Changing Course: When Governments Choose to Redirect Foreign Policy," *International Studies Quarterly* ,34 (1990) pp.3-21
[132] See Chapter Four
[133] Ibid
[134] Makumi Mwagiru, "Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment," *African Review of Foreign Policy*,1,1(1999) pp.44-64
[135] Ibid

direct presidential mandate. [136] In that perspective closeness increases the profile hence the chances for success while lack of closeness lowers the profile and the chances. Although this meant that decision making in the Somalia peace process rested on the special envoy, it had both advantages and disadvantages. It could make or ruin the reputation of the special envoy. Unfortunately, in this case things did not go well for Kiplagat since as special envoy he was not close to the new president. In this regard, whereas the other regional powers maintained their close ties with the process, the Kenya government on the other hand only had limited presence in terms of high ranking officials. This gave the others an advantage to pursue their interests at the expense of Kenya.

Unfortunately for Kenya this was not the first and the only change. The late Elijah Mwangale was Kenya's first special envoy to the peace process. He left after the December, 2002 elections. This followed the successful election of Mwai Kibaki as the new president of Kenya, replacing Moi. The new government felt it did not need to continue with the retired president's appointees. Kiplagat replaced Elijah Mwangale and Kalonzo Musyoka also took over from Masden Madoka at foreign affairs as the minister in-charge. The transition also saw the exit of William Mayaka, (the first conference coordinator) and his replacement by Lanyasunya. These changes had significant implications for the Somali peace process.

Not only did the changes affect continuity but also the time schedule of the peace process. In this regard, the new officials bring with them new perspectives and personalities which may affect the dynamics of interaction. Above all, such new officials are unfamiliar with the process and take time to get to know things. In addition, this may undermine decision making in turn. The subsequent, on the position of conference coordinator to Mahat and then Brown

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[136] Michael Fullilove, "All the President's Men: The Role of Special Envoys in US Foreign Policy," *Foreign Affairs*, Vol 84, Issue 2, (March/April,2005) pp. 13-18

Otuya and from Andanje to the late James Kiboi, had similar consequences to the peace process. The overall impact was the elongation of the process by cumulatively affecting diplomatic momentum of the peace process.

Coupled with staff changes, the new chair moved the conference from Eldoret to Nairobi in February, 2003.[137] Two reasons were behind the change of conference venue. Whereas the chairman justified his decision as rational, Mwagiru objects.[138] For the chairman the move reduced costs, centralized the negotiations under one roof and offered more facilities for such a complex activity. But Mwagiru's view is that unlike Nairobi, there were fewer interruptions in Eldoret that could disrupt and undermine the concentration needed for the negotiation process. Above all, he raises doubts on claims about reduced costs, arguing it is illogical for a provincial town to be more expensive than the capital city. For Mwagiru, the change of venue was not rational since it flowed from the special envoy's personal engagements, in several organizations like K-Rep Bank, Stock exchange and other boards. [139] In this case these explanations are more rational for moving the process than those alluded to. Mwagiru therefore contends that this was a critical period in the process so any change was bound to have a negative effect on it. In his view, Eldoret was chosen as venue after careful considerations.

The overall impact of the change of venue from Eldoret to Nairobi was negative on the peace process. Not only was Nairobi closer and accessible from Somalia but it also gave the large Somalia populations in Eastleigh an opportunity to interfere with the talks. The *Marehan* clan boycotted the first meeting in Mbagathi arguing that names of some *Marehan* delegates

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[137] Lucas Barasa, "Somali peace talks shift to Nairobi next week," *Daily Nation*, Nairobi, 12th February, 2003.
[138] Interview: Bethuel Kiplagat, Chairman IGAD TC/IFC, Delta House, Nairobi, 31st, October, 2009; Interview: Makumi Mwagiru, Chief Consultant Somalia Peace Process, Karen, Nairobi, 29th October, 2009
[139] Interview: Makumi Mwagiru, Chief Consultant Somalia Peace Process, Karen, Nairobi, 29th October, 2009

were missing from the new list of delegates made following a directive by the chair.[140] The

writing of the new list was necessitated by the influx of other Somalis especially those from

Eastleigh. Besides, the TNG delegation moved out of the venue because they argued it was

below their dignity.[141] The pressure that came because of these groups threw the conference in

disarray as the question of delegations emerged once again. The other problem of Nairobi as a

venue came from diplomatic missions whose headquarters are located there. Each foreign capital

with an interest in the outcome of the Somali conflict exerted pressure on the delegates.[142]

These changes affected the negotiations and the peace process. In terms of diplomatic

momentum there was a slow down. Quite clearly between February, 15th and mid March, 2003

the committee's work stalled. Confusion also reigned because committees resumed work under

some new staff. Lanyasunya replaced Mayaka as conference coordinator; and the late Kiboi took

over from Andanje.[143] The two restructured the secretariat into the finance and administrative

section and the political liaison and diplomatic wing. Kiboi was in charge of the latter while

Lanyasunya as conference coordinator took the administrative and finance wing. Beyond all that,

the process was hit by the departure of experts and other staff who were advising the committees.

Diplomatic momentum is an important element in any negotiations. Although momentum

varies from process to process depending on internal dynamics, it is crucial that once it is gained

it must be kept. Its faltering can provide a window for sabotage, or even in extreme cases,

demoralize the negotiators. Beyond that, faltering of the diplomatic momentum creates the

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[140] Cathy Majtenyi, "Somali Factions Violate Ceasefire," *The East African*, Nairobi, 10 -16th February, 2002.
[141] Adan Mohamed op.cit, 7th March, 2003
[142] Adan Mohamed, "Somalia peace talks proving futile: External interference and petty squabbles to blame for Stalemate," *Daily Nation*, Nairobi, 7th March, 2003
[143] In a meeting the new PS at the Ministry when asked about the changes argued that the Ministry had function to perform and the Somali peace process was not its original mandate

danger of dragging the talks into a permanent lull or shifts attention.[144] In this regard, apart from slowing down for two months between February and March, 2003, the peace process also experienced other problems. Taking advantage of the new staff the Somali faction leaders opened afresh debates on old issues that had been settled like delegations and the charter. When their needs were not answered they quickly left the conference on that basis.[145]

Musa Sudi and Abdikassim for instance insisted that the issue of the charter had to be examined afresh and any earlier decisions rescinded. In addition, the changes affected the dynamics of the negotiations. First, the new list authored at the behest of the new chairman either removed some of the committee members or replaced them with others. The trust that committee members had built over time was thus thrown in jeopardy once again. Despite this new development Kenya's special envoy and chair of the TC determined to move on, gave an ultimatum of ten days for all committees to wind up their tasks. Despite a slow beginning due to organizational and administrative problems, all the committees finished their work in March and handed their reports as required to the Technical and the leaders' committees to be discussed in the plenary.

5.5 Conclusion

This chapter examined the actual negotiations during the Somali Conference. In particular the chapter critically focused on how the issues that led to the conflict were addressed. It therefore concentrated on the operations of the committees in Eldoret. Although the terms of reference of the committees were clear some of them did not carry it out due to the sensitivity of the issue involved. Apart from disagreements on issues the negotiations were affected by

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[144] G.R. Berridge, *Diplomacy: Theory and Practice*, 3rd edition.(London: Palgrave,2005) pp.56-58 ; see also De Sato A., "Ending Violent Conflict in El Salvador," in C.A. Crocker, F.A. Hampson & P. Aall (eds) *Herding Cats; Multiparty Mediation in a Complex World* (Washington DC:US Institute of Peace, 1999) p. 200
[145] Cathy Majtenyi op.cit, 10th -16th February, 2003.

political changes in 2002 in Kenya. The result was attempts by the IGAD facilitation committee to jumpstart the talks by using different tactics some of which jeopardized the realization of peace.

The Eldoret phase mainly produced reports that were to be debated, adopted or modified by the plenary. However, the sessions which should have been very productive turned out to be theatres for internal as well as external politics. Differences especially between two Somali alliances allied to Djibouti and Ethiopia involved heated debates that turned easily into deadlocks and stalemates. Unfortunately such deadlocks were always never resolved by the TC or IFC.

As such although the Conference continued to its conclusive end the teething problems were ignored through change of the negotiation script meant that the issues would return to haunt it later. It is indeed, the failure to address issues like DDR effectively that left no positive prospects for the final outcome. The chapter indicated that the external factors in the peace process also increased the difficulty of the outcome. This was reflected in the failure to agree on how to disarm and where the government would relocate.

CHAPTER SIX

THE MEDIATION PHASE AT MBAGATHI

6.1 Introduction

Chapter Five examined negotiations phase in Eldoret and analyzed how the various Somali factions protected their interests within the committees. It looked at the dynamics of the negotiations critically relating process to factional and regional interests. In trying to explain this context the Chapter zeroed in on the 2002, General Elections in Kenya and the bearing they had on the whole negotiation process.

This Chapter examines the mediation process carried out at Mbagathi. It highlights the role of the mediators and the dynamics of the mediation within IGAD as an institution. Apart from identifying the main issues that were mediated the Chapter also captures the various moments of deadlocks and stalemates. It assesses the methodology and skills that were used to jumpstart the talks after they stalled. The Chapter takes cognizance of mediation in a multiparty context and critically reviews not only the relationships but also the challenges faced with a view to integrate theory and practice of mediation within such a context.

6.2 Plenary Sessions, 2003

The delegates' arrival in Nairobi on 15th February saw a lot of commotion that temporarily halted the peace process.[1] First, a large number of Somali population invaded KCCT-Mbagathi, the new venue for the talks in Nairobi. This prompted the TC to call for fresh registration of delegates. Unfortunately, at the end of this exercise the Marehan clan boycotted

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[1] Lucas Barasa, "Somali peace talks shift to Nairobi," *Daily Nation*, Nairobi, 12th February, 2003

the talks arguing that the new list omitted names of some of their delegates.[2] Besides, committee work also stalled because the new list omitted some names of committee members.[3] The situation was aggravated by the fact that the chairman was new to the process, there was no conference coordinator, the chief consultant had left the process and the TNG moved out of KCCT, to Six Eighty hotel on grounds that new accommodation was below their dignity.[4] All these issues affected the diplomatic momentum thus slowing down the process. The conference stalled until mid March, 2003, when Committees Three, Five and Six completed and handed reports to the TC. This meant that plenary sessions did not start at Mbagathi until later in April 2003, in spite of the relocation of the conference to one venue in Nairobi and the completion of reports by committees.

The composition of the plenary comprised all the delegates of the Reconciliation Conference. It was a forum for Somali National Reconciliation delegates to meet and discuss with a view to make decisions. According to the Rules of Procedure the plenary was the highest decision making organ of the Conference.[5] All decisions of the other organs of the Conference had to be approved by it.[6] The task before the plenary was to approve and endorse the findings of the committees. This was meant to ensure that decisions were reached through consensus and widest representation. The thinking was that if consensus was achieved in the plenary then implementation of the decisions of the committees would be easier. The other reason behind the plenary sessions was to ensure that the process remained Somali-owned especially in decision

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[2] Interview with Mohamed Jangoan, Former Interior Minister and Chairman of Committee six, Nairobi, 27th February, 2003
[3] Interview with Mohamed Duale, Delegate and Member of committee six, Nairobi, 3rd March, 2003
[4] Adan Mohamed, "Somalia peace talks proving futile: External interference and petty squabbles to blame for stalemate, " *Daily Nation*, Nairobi, 7th March, 2003
[5] see Chapter Three for details about the plenary
[6] Rules of Procedure on decision making, Eldoret, 26th October, 2002

making.[7] Lastly, the plenary offered those delegates who were not in the committee an opportunity to respond or contribute to the findings. The least contentious reports came at the beginning of the schedule, while the charter, the most contentious came at the end. The discussions of the other reports had minor amendments made to them and the plenary finished five reports within two months except that of Committee One, on the Federal Charter.[8] The Charter which spelt out the new political dispensation in Somalia set a row within the leaders committee.

The disagreement about whether Somalia should adopt a federalist or a centralist structure of government was started afresh in the plenary. While Committee One, group B's report called for a federalist form of government, group A's opposed it, and instead, called for the retention of a centralized government.[9] This contention arose out of the feeling that some clans were under represented in earlier governments. The split became clan and faction based. While the *Digil Mirifle* supported the federalist system the *Hawiye* and *Darood* were reluctant to do so. In terms of factions the SRRC supported a federalist system but the TNG opposed it.

6.2.1 Hardening of Positions

Two events gave rise to hardened positions. The first was the reaction to efforts by the TC to harmonize the two reports produced by Committee One, through an independent harmonization committee that was appointed by the TC chairman. The interim committee comprising Somali scholars, legal experts and a few politicians not delegates to the process was to harmonize the two reports of Committee One. In his thinking the chair argued that an independent committee of this nature would be the best way out of the deadlock. To retain its

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[7] Ibid
[8] "Blue Print Needed for Peace in Somalia: Peace talks in danger of collapsing," International Crisis Group Media Release, 6th March, 2003; see also Matt Bryden, "Negotiating a Blueprint for Peace in Somalia," *International Crisis Group report*, 6th March, 2003.
[9] Committee One group A and B reports submitted to the Technical Committee, Nairobi, on 22nd and 23rd March 2003

independence the TC's harmonization committee met at the Heinrich Boll foundation offices away from the conference venue.

At this venue along forest road (Nairobi) the TC assumed there would be little possibility of interference from the delegates. In addition to this, the TC at this point also hired a Kenyan law firm, Naikuni and Ngaa advocates as legal drafters of the Charter.[10] Immediately, information about this harmonization committee reached the Somalis, all the faction leaders were outraged and set up a parallel harmonization committee.[11] They argued that the Somali professionals and scholars were strangers who could not be entrusted with such an important task. Informing the Somali leaders' argument was belief amongst them that the professionals and scholars were members of the civil society who were considered as illegitimate participants in the conference from the onset. The result was that from the two documents seven different versions emerged each seen as a harmonized version of the original two.

The version produced from the committee appointed by the chair to the TC relied on both the 1960 Somalia constitution and the proposals of group A and B. However, this document never saw the light of the day because it was out rightly rejected by leaders committee comprising the factions.[12] As a counter measure TC also refused to accept the other versions produced by other actors including that of the leaders committee. This led to a further deadlock on the issue.

The deadlock between the TC and the leaders' committee over which document should be used in the plenary discussions caused serious tensions. Whereas the leaders committee insisted that the plenary can only deliberate on its harmonized version, the TC opposed, and instead

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[10] Letter of offer written by the late James Kiboi on behalf of the Special Envoy to Naikuni and Ngaa, Advocates' company, Nairobi, 25th March, 2003
[11] The members of this committee were drawn largely from the supporters of the leaders who could only produce a document as dictated by them; in essence it was the leaders writing what they wanted.
[12] The Charter Draft: A Compromise Proposal by the Harmonization Committee, April, 2003.

insisted on using its own version. After weeks of a standoff, the two (TC and the leaders committee) agreed to revert to the two original documents presented by Committee One. This saw the plenary resume its deliberations.

6.2.2 The Deadlock in the Negotiations

Calls to stop the plenary were ignored by the SRRC, G8 and the renegade members of the TNG, who argued that the deliberations on the Charter should continue. Two contentions issues emerged; the first was on the size of parliament and the second on Article 15 which defined the mode of selection of members of parliament. The SRRC opposed the proposal to have 315 MPs and insisted on its expansion to 351.[13] The rationale behind this argument was the need to have a number that would be sufficient to balance interests such as clan, youth and gender. The second was to enable the SRRC to appoint many of its supporters who would be useful to vote in its presidential candidate.[14] However, the international community the (UN, AU, the Arab League) and even the Italian envoy reluctantly accepted the number 351 arguing that it was not sustainable.

The second issue that caused next deadlock in the plenary was the mode of selecting MPs as stipulated in the Charter. Basically the contention was on the content of the article as interpreted by the SRRC and the G8. The two disagreed on the wordings of formula suggested. Whereas the G8 leaders proposed in Article 15 that the selection of MPs should be done by…"the political leaders who were signatories to the Declaration of Cessation of Hostilities," the SRRC added to this an amendment "…in consultation with the traditional leaders."[15] Moreover, the TNG also insisted that the phrase "…political leaders," had to be expanded to

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[13] "Brief on Phase Two of Somalia National Reconciliation Conference Mbagathi," To the Permanent Secretary Ministry of Foreign Affairs, Nairobi, 10th July, 2003.
[14] Abdullahi Yusuf's objective was to be president so he insisted on a 351 member strong parliament.
[15] Letter to the Special Envoy by the G8 on "Article 15 of the Transitional Charter ," *Document of the SNRC*, Nairobi, 3th July, 2003.

include, "…other prominent Somali politicians officially invited by IGAD."[16] While the thinking behind the SRRC was informed by the need to legitimize their appointees by invoking the authority of the traditional leaders at the same time they watered down the latter's involvement by insisting on the phrase "…in consultation with." However, the TNG viewing their position to be weak following the boycott by some of its delegation wanted the term leaders expanded in order to leave it open as a measure to ensure that other members of the group could return and participate in the selection.

6.2.3 First Attempt to Break the Deadlock

After lengthy and tedious shuttle diplomacy, a break-through over these issues came on 5th July, 2003 following the signing of an Agreement by the factions.[17] Consensus was reached on the size of parliament at 351 members and the text on Article 15. However, on 6th July, 2003 the TNG after a meeting in 680 Hotel held a press conference in which its president denounced the Agreement.[18] Although other TNG MPs led by the Speaker and Prime Minister condemned the TNG president (Abdikassim) he enlisted support from Musa Sudi.[19] The departure of these two from the Conference angered Djibouti and Egypt who were supported by the European Union and African Union. The trio insisted on stopping the Conference a while in order to allow the renegades to return. Mohamed Affey, Kenya's Ambassador designate to Somalia was dispatched to Mogadishu to negotiate the return of the two.[20]

However, an attempt to hold a special plenary session to endorse the need to suspend the Conference for two weeks did not materialize because it was undermined by both the SRRC and G8. Indeed the two marshaled support and the plenary resumed its sessions from 17th August,

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[16] The Transitional Federal Charter of the Somali Republic, Nairobi, 15th September, 2003
[17] Harmonized Position on Article, 15 of the Transitional Federal Charter, Nairobi, 5th July, 2003
[18] Press Release by the TNG, Nairobi, 6th July, 2003
[19] Statement of Musa Sudi sent to the special envoy on the Transitional Federal Charter, 7th July, 2003
[20] Interview Mohamed Affey, nominated Member of Parliament-Kenya, Nairobi 7th November, 2009

2003, and continued unhindered until 21st August, 2003. Other articles of the fifth version of the Transitional Federal Charter were less contentious except Article 19 now Article 30 following the redrafting done by the Githu Muigai who replaced Naikuni as the drafter of the Transitional Charter.[21] The article was the same one that described the mode of selecting members of parliament.[22] The whole of August ended without this contention being resolved and it is only on15th September, 2003 that a contended breakthrough was realized on the controversial Article 19.

The main contentions emerged from the way the article was phrased. Those faction leaders at loggerheads with their traditional leaders opposed the phrase, "...in consultation with traditional leaders." And those at loggerhead with other leaders were uncomfortable with the phrase, "...other prominent Somali politicians officially invited by IGAD." While Abdullahi Yusuf and his colleagues saw advantage in the first phrase formula, they rejected the second on the basis that it would open up a Pandora's Box on who is a Somali leader. In the context, of negotiation Abdullahi was happy with the first because he knew that he could easily manipulate traditional leaders. Unfortunately, the second presented him with a problem since he had opposition in his rival Jama Ali Jama. So far, he had manipulated the situation and locked his rival out of the contention.

On the other hand, the TNG opposed the first phrasing because they had limited control territorially and had therefore exercised limited access to traditional leaders. But they favoured the second phrase because it opened for them an opportunity to bring in new people who would be recognized as leaders thus bestowing upon them the right to select MPs. Having taken these

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[21] Naikuni and Ngaa Advocates had drafted the 5th version of the Transitional Federal Charter as a working document.
[22] See version five of the Somalia Charter, document of the Somali National Reconciliation conference, Nairobi, 5th July, 2003

two positions there was no room for compromise. The situation was aggravated by the fact that by this time the Somali leaders committee had already been disbanded, meaning that there was no forum in which the leaders could build consensus, before they came to the general public.[23]

6.2.4 The Split in TNG

Two events seemed to have triggered this situation. The first being the reverting to the two old documents for purposes of discussions in the plenary. Immediately, the TC accepted this position, TNG protested and threatened to pull out of the talks. The stalemate between them and other parties was based on the different views they held about the future system of government. While the TNG insisted that its option for a centralist must remain on table, the SRRC rejected the proposal entirely. As the TC pressured the TNG, its president walked out and left the talks returning to Somalia.

The genesis for the withdrawal was a meeting between the TNG president Abdikassim Salaat, and the Technical committee over the Charter in early March, 2003. The meeting ended in an apparent deadlock over a demand by the TNG for "a fresh re-negotiation of the Charter and the insistence that what is agreed on must be subjected to a referendum in Somalia."[24] Both demands were rejected by the TC in the first and subsequent meetings. The talks between the TNG principal and the TC thus collapsed and, Abdikassim left the country.

Abdikassim followed his departure with a tactical move. In a statement released in Somalia, he recalled the TNG delegation, until the demand to renegotiate the Charter afresh was accepted.[25] This essentially meant the withdrawal of a major actor in the Somalia conflict. Although, the statement triggered the departure of a section of the delegation apart from those

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[23] See Chapter Three on details of the structures of the Somalia National Reconciliation Conference.
[24] Records of the Meeting between the TC and Abdikassim Salaat, President of TNG, Nairobi, 4th April, 2003
[25] Press release by President Abdikassim Salat after a meeting with TNG MPs, Nairobi, 6th July, 2003.

who had left in the TNG president's entourage, another group remained.[26] Among those who remained were two key personalities within TNG; the late Abdullah Derrow Isaak and Hassan Abshir Farah, then Speaker and Prime Minister of TNG respectively. The two and their followers insisted that since they were officially mandated to negotiate on behalf of the TNG government the peace process should continue.

Meanwhile they rallied the similar calls to those of March, 2003.[27] The calls were viewed as an attempt to pass a vote of no confidence in the troubled Nairobi peace process and to garner support for a parallel meeting in Mogadishu.[28] Aideed, the Chairman of USC/SNA and co-chair SRRC confirmed that this move by the TNG president was meant to cripple the Nairobi talks in bid to remain in power since the TNGs tenure was coming to an end soon.[29] Diplomatic efforts through the government of Djibouti, the Africa Union and the international community secured the return once again of two principals, Musa Sudi a Mogadishu based warlord and Abdikassim Salat president of the TNG. Their return to Nairobi gave the peace process the boost of inclusivity that it badly needed. However, this was to be again short lived as the two left for Mogadishu once again, this time silently. The departure of the two destabilized the peace conference. Djibouti and the European Union insisted that the plenary should stop because it was not all-inclusive.

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[26] Interview Abdallah Derow, TNG Speaker of Parliament, Nairobi, 6th April, 2003

[27] In attendance were; TNG president Abdikassim Salaad and powerful Mogadishu based warlords Mohamed Qanyere, Col Barre Hiralle, Musa Sudi among others. see Cathy Majtenyi, "Somali Factions Violate Ceasefire," *The East African*, Nairobi, 10th -16th February, 2003

[28] Cathy Majtenyi, "Mogadishu Meeting "Not Parallel" to Nairobi Talks," *The East African*, Nairobi, 7th April, 2003

[29] In an interview Hussein Aideed Farah, Grand Regency Hotel, Nairobi, 5th April, 2003

6.3 Mediating the TNG Split

The deadlock triggered by the demands of the TNG, resulted in two tactical moves within the TNG and the TC. Whereas the statement Abdkissasim issued triggered the departure of some TNG delegates, .others decided to stay and continue with the talks. Those who stayed joined the TC to undermined Abdikassim's bluff of a TNG boycott of the peace process. Frustrated by this turn of events Abdikassim changed tact and decided to replace all those who had not heeded his call to return to Somalia. This second tactical move really shook not only the TC, but also, the TNG Prime Minister and Speaker who were leading the rebellion against him. If Abdikassim succeeded in effecting his intentions this would have implied that the talks had collapsed because the TNG was one of the principals in the negotiations. In sorting out this stalemate the TC and IGAD instead of mediating the problem it also decided on a tactical move to counter the TNG president.

Tactics are viewed as considered as short term strategies for managing crises.[30] Whereas in the short term they may be useful face saving devices, in the long term they are not beneficial and do more harm than good. From a conflict theory perspective, tactics only lead to settlement rather than resolution of conflict.[31] In this case, IGAD engaged an immediate face saving settlement to avert Abdikassim's threat to replace Hassan Abshir and Abdallah Derrow, as TNG Prime Minister and Speaker of Parliament respectively. The TC decision entailed bringing more TNG MPs to the peace process. In the short term this move denied Abdikassim the necessary quorum to effect his decision; however, in the long term it did not resolve the problem. However much as the tactic became beneficial to the TC, it also introduced a new problem for the peace process. The extra TNG members of parliament teamed up with their counterparts in the plenary

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[30] I.W. Zartman, "Dynamics and Constraints in Negotiations in Internal Conflicts, " in I.W. Zartman (ed) *Elusive Peace: Negotiating an End to Civil Wars* (Washington DC: Brookings Institute, 1995) pp.20-23
[31] Ibid

to undermine decisions that they did not like.[32] Their participation was equally illegal since they were conferring observer and not delegate statue. In this case they were allowed by the Rules of procedure to listen to proceedings but could not engage in discussions or in decision making.[33] The team effectively blocked the federalist constitution in the plenary. The TC, caught between a rock and a hard place did not know how to deal with this mischief. The new challenge continued to pose a threat to the peace process between the months of June and October, 2003. The reason for this was the failure on the part of IGAD to resolve its differences with the TNG issues related to the Charter. Instead the TC resorted to designing different tactics to jumpstart the talks. This approach is illustrated in the following section on mediation.

6.3.1 Mediation in the Plenary

The TC used the good offices of the special envoys and other members of the diplomatic corps to mediate this issue. Side meetings took places at Ruddys, with individual faction leaders or groups of leaders on either side of the divide, to seek a consensus. While the Ethiopian team specifically targeted members of SRRC, the Djiboutians on their focused on TNG and G8. To help get a quick solution the mediators drafted different proposals for different parties.[34] In this regard the mediation style changed significantly from issuance of ultimatums, threats and bluffs to tactful maneuvers. The TC also met the leaders committee on 11th and 13th of June, 2003 to try and reach an agreement.[35] Another meeting followed on the 23th June, 2003. The objective of the last meeting was to collate and fine tune the ideas collected from different meetings. These

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[32] See list of delegate's document of the Somalia National Reconciliation Conference. Nairobi, July, 2003.
[33] The Rules of Procedure defined who a delegate to the Peace Process was and described their role in the plenary.
[34] Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*.(San Francisco: Jossey- Bass, 1996) pp.223-226
[35] Record of meeting between the Technical Committee and Leaders Committee, Mbagathi-Nairobi, 11th and 13th June, *SNRC/LC/KCCT/*11-13, 13th, June, 2003

would then form the basis for a document that would define steps of the process of selecting of members of parliament.[36]

From the activities of the TC the mediation script was already changing. The use of this approach could be traced to the new chair of the TC who was a career diplomat. Once produced the resultant document circulated between 2nd and 5th, July, 2003 and then the leaders were called in to sign the harmonized document. It specified the size of parliament as 351 and changed Article 15 to read as follows; "….the political leaders' signatory to the Declaration on Cessation of Hostilities on 27th October, 2002 and politicians who were originally officially invited by the Technical Committee in consultation with the traditional leaders shall do the selection of members of parliament." Apart these two issues the document also specified transitional period of four years and agreed on 12% positions for women.[37] Twenty three leaders signed and the twenty fourth, Sharif Salah Mohamed, seems to have been an afterthought.[38]

6.3.2 The Second Attempt and Breakthrough on Deadlock

Under the circumstances the chairman introduced a new tact by resorting to the socio-psychology paradigm. The basis of this approach was to provide a forum for the parties to explore different options with the help of a facilitator.[39] Alone, the chairman created a new forum comprising a few Somali individuals who he could influence to help change the course of events. In this endeavour the chairman courted Hassan Abshir, Maulid Maane, and Sharif Salah,

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[36] Record of the IGAD Technical Committee meeting, Mbagathi-Nairobi, 23rd June, 2003,

[37] Harmonized Positions of Leaders Committee, Nairobi, 2nd July, 2003

[38] *Harmonized Position of Leaders*, Nairobi, 2nd July, 2003, see also speech of the Chairman of Rainbow Coalition, Dr. Ali Apollo thanking the TC for the hard work, Mbagathi-Nairobi, 19th July, 2003

[39] See John W. Burton, *Conflict Prevention and Resolution* (New York: Macmillan, 1990), see also J.W. Burton, *Conflict: Human Needs Theory* (New York: St Martin's Press, 1990); see J. Bercovitch, Agnoson, J.T., & Wille. D. "Some Contextual Issues and Empirical Trends in the study of successful Mediation in International Relations," *Journal of Peace Research* Vol. 28(1991) pp.7-17; J. Bercovitch and Houston A., "Influence of Mediator Characteristics and Behavior on the Success of Mediation in International Relations," *International Journal of Conflict Management* no. 4(1993) pp.297-321; J. Bercovitch & Langley, J., "The Nature of Dispute and the Effectiveness of International Mediation." *Journal of Conflict Resolution* no. 37 (1993)pp.670-691

Abdullahi Yusuf, and Mohamed Qanyere Afrah. Within the international community he selected Perlingard (Sweden), David Bell (Britain), Tubman (United Nations) and Attala Bashir (IGAD). However like all regional and international organizations IGAD derived its power from the authority of its members.[40] From a theoretical perspective the chairman was creating an alternative and parallel inner cabinet to run the show. However, the impact of this approach was pre-determined on the basis that a regional or an international organization is as strong as its members. Whereas a united organization is strength, a divided one on the contrary is weaken.[41] The divisions within IGAD and the ones created through the new strategy of 'divide and rule' greatly undermined not only the chair but subsequently IGAD's authority.

In addition, criticisms by the Troika of AU, EU and Djibouti about the tedious and slow progress and worn out by single-handed shuttle diplomacy the chair resorted to emotional appeals. On several occasions he shed tears while addressing the Somalis. Whereas other leaders like Kaunda of Zambia, Desmond Tutu of South Africa, obtained results through this strategy, the situation was different among the Somalis. Somalis being egalitarian rarely express their emotions in public matters. Above all the individuals in question were battle hardened and could not heed such appeals. So rather elicit the cooperation of the Somalis the strategy either yield results or led to disdain for the chair. Rubin[42] observes that the situation could have been remedied if the chairman acted tougher rather emotional. The appeals portrayed the chairman as a weakling who was capable of controlling a battle hardened group. In Rubin's perspective individuals who are low in reward and coercive capabilities may exercise strength in expert and

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[40] Thomas Perry Thornton, "Regional organizations in Conflict Management," *Annals of the American Academy of Political and Social Sciences,* no. 521(1992) pp. 132-142
[41] Kjell Skjelsbaek and Gunnar Fermann, "The UN Secretary General and the Mediation in International Disputes," in Jacob Bercovitch (ed) *Resolving International Conflict* op.cit pp. 74-104
[42] See Jeffrey Z. Rubin, "International Mediation in Context, " in Jacob Bercovitch and J.Z. Rubin (eds) *Mediating in International Relations* (New York: St. Martins Press, 1992)

referent power. Both expertise and referent power however, derive from knowledge and skills.[43] Berridge[44] on his part acknowledges that all will depend on the diplomatic skills and standing and influence of the mediator with the parties.

This debate on whether the ability to mediate is a natural skill or acquired through education is inconclusive. Unfortunately, the three special envoys in the Somali peace process did not have academic backgrounds related to conflict management. While the chairperson relied on his long career as a diplomat, his colleagues were even worse off. The chairman also relied on his knowledge and experience with the Ugandan and Mozambican mediations; however, the two were quiet distinct from the Somali situation. Structurally, in both cases the mediation was between a government and rebels. However, the Somalia case was unique because it was factions' alone. Additionally, in the cases above he was a participant but during the Somali case he had to provide direction as the chairperson. Aggravate the matter was the fact that the chair lacked expert advisors had left the process earlier.

Under such circumstances the chairman resorted to a "wait and see" strategy. Subsequently, this meant that he did nothing but watched events unfold.[45] Within diplomacy, this strategy is used during negotiations. The idea here is to prolong the time and in this way wear down the adversary hoping that this would make them tired, impatient and finally vulnerable to any suggestions. However, this strategy too requires a large team of implanters (negotiators) to take turns at the negotiation table. Unfortunately, the chairman had already lost support with his colleagues and therefore played the game alone. The result is that much as the Somalis were worn out, so did he.

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[43] Ibid
[44]
[45] G.R. Berridge, *Diplomacy: Theory and Practice*, 3rd edition (London: McMillan, 2005) p.196
A letter by the G8 to the Chairman of the TC, stating their position on contentious issues, Mbagathi, 18 June, 2003

Worn out by the long period of recess and lack of tangible results some factions decided to collaborate in order to bring about an agreement. [46] The agreement between the SRRC faction leaders and G8 led to a narrow adoption with amendments of the Transitional Federal Charter in the plenary on 15th September, 2003. The amendments affected the title of the Charter (Transitional Federal Charter of Somalia), the government (Transitional Federal Government of the Republic of Somalia), Articles 11 and 12, which dealt with the drafting of the constitution and the national referendum, 29 which specified the size of parliament as 275, 12% of whom would be women, 30(I), (II) which specified the mode of selecting members of parliament, 32 which changed the transitional period from four to five years, 52 (2) which was deleted on the basis that it was a repetition and Article 24 where (9) was deleted. [47]

6.4 Changes in Structure, Dynamics and Script for Mediation

The adoption of the Charter by the plenary immediately caused a huge row in the conference. The TNG and a section of the civil society dismissed it citing once again a breach of the Rules of Procedure. [48] In this case they argued that there were extra delegates some of whom did not have official delegate status. In this regard Abdikassim also argued that the delegation that reached the agreement was not his. [49] The TNG position received support from Djibouti and those who had earlier insisted that the conference be suspended for sometime because it was not all inclusive. Angered by the results Djibouti officially withdrew from the conference. [50] Once again the Somalis took two different positions. While those aligned to Ethiopia condemned the

[46] Somali Political Leaders Press Release, Mbagathi, 17th September, 2003
[47] Harmonized Position on various issues suggested by the Somali leaders (way forward), Mbagathi-Nairobi, 15th September, 2003.
[48] Observations of Members of the Civil Society vis-à-vis Decisions announced at Mbagathi Conference, Nairobi, 5th July, 2003
[49] Adan Mohamed, "Somali Peace Talks Suffer Major Set Back by Pullout," *Daily Nation*, Nairobi, 31st July, 2003
[50] Official Foreign Minister's Letter to IGAD TC Chairman, Djibouti, 18th September, 2003; see also speech of the Special Envoy of Djibouti; "Somali Peace Talks Run into Fresh Trouble," *Daily Nation*, 3rd October, 2003; Julius Bosire, "Djibouti Quits Somalia Talks," *Daily Nation*, 20th, October, 2003

position of Abdikassim, those allied to Djibouti supported it, on the basis that it served the interest of Ethiopians. Panic gripped the process and high level diplomatic efforts were immediately put in place to ensure the return of Djibouti.[51]

6.4.1 The 10th Ordinary IGAD Summit and the Re-structured IFC

The 10th IGAD Ministerial meeting held, in Kenya was attended by; John A. Koech, Minister for East African and Regional Cooperation, Kenya; Chirau A. Makwere, Minister for Foreign Affairs, Kenya; Augustine Nshimiye Minister of State for Foreign Affairs, Uganda; Ali Abdi Farah, Minister of Foreign Affairs and International Cooperation, Djibouti; Joseph Nyaga, Assistant Minister, Ministry of East Africa and Regional Cooperation, Kenya; Abdirahman Ali Numeiri, Sudan's ambassador to Kenya; Andab G. Meskel, Ministry of Foreign Affairs, Eritrea; Mohamed Ali Foum, AU Special Envoy to Somalia and Peter Marwa of IGAD Secretariat, Djibouti.[52]

This meeting caucused to return Djibouti to the peace process and to resolve the problem Abdullahi Yusuf raised concerning the portion allocated to the Harti. However its significance lies in re-structuring of the peace process. In this regard, the Council of Ministers endorsed the expansion of the TC, following an appeal by Kenya's Special Envoy to Somalia and chair to the TC.[53] This decision was approved at the subsequent 10th IGAD Summit in Kampala, chaired by President Yoweri Museveni.[54] The immediate impact of this decision was a changed composition of the structure of the TC and therefore its dynamics.[55]

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[51] "Djibouti Rejoins Somali Peace Efforts," *Daily Nation*, 29th October, 2003
[52] Records of the 10th IGAD Ministerial Facilitation Committee, Kampala, 22nd October, 2003
[53] "Challenges Facing the Conference and Recommendations ," A *Memo*, from Ambassador Bethuel Kiplagat Kenya's Special Envoy and Chair to IGAD TC, to Hon. Stephen Kalonzo Musyoka, Kenya's Minister For Foreign Affairs, Nairobi, 9th October, 2003
[54] *Joint Communiqué*, 10th Ordinary Summit IGAD Assembly of Heads of State and Government, 20-25th October, 2003, Kampala, 25th, October, 2003 see also Chapter Four
[55] See Chapter Four

The decision added Uganda, Eritrea, and Sudan to the management team of the Somalia National Reconciliation Conference.[56] Kenya's Special Envoy and chair to the TC, argued that the Ethio-Djibouti disagreements crippled the TC and expanding it would water down these disagreements and therefore revitalize it.[57] Indeed expansion watered down the Ethio-Djibouti differences but within the newly created IGAD Facilitation Committee (IFC) new problems emerged. Whereas the entry of Eritrea introduced its differences with Ethiopia into play in the process, Uganda's entry on the other hand brought the war for regional supremacy between it and Kenya. The re-structuring not only affected the dynamics of mediation but also introduced far reaching consequences to the management process. In this regard, while Uganda, Eritrea and Djibouti found common grounds, Ethiopia and Kenya joined forces. The reprieve that expansion could reduce quarrels in management did not materialize. Instead more formidable contending groups emerged within the mediation team. The consequence was that IGAD's capacity to coordinate its mediation was weakened and subsequently the management process became complex and confused.

6.4.2 Change in Diplomatic Momentum

The result was that the process slowed down due to changed dynamics. Once again the new group had to create working relationship and trust. As explained earlier loss, of diplomatic momentum is dangerous because it easily disrupts progress. Meanwhile, Djibouti also returned to the process with renewed vigour; during its absence from the process, Djibouti created a new alliance in Somalia. The *Ba'llad* group[58] comprised all the faction leaders who had left the peace

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[56] See "Boost for Somalia Peace: Regional leaders Urge the Africa Union to facilitate Reconciliation," *Daily Nation*, 26th October, 2003
[57] see Recommendations in a Memo written by the Chairman of the TC to Kalonzo Musyoka, Minister of Foreign Affairs, Nairobi, 9th, October, 2003; see also the Joint Communiqué IGAD Ministerial Facilitation Committee on Somalia Peace Process, Nairobi, 28th October, 2003
[58] Later this group adopted the name National Salvation Council.

process and the TNG. Armed with the new outfit, Djibouti returned more confident and much stronger than its rival Ethiopia.

In a side meeting of the IGAD Council, during the AU Summit in Maputo on 8th July, 2003, Djibouti and her new found allies launched scathing attacks on Ethiopia.[59] Unhappy with the acrimony at this meeting Ethiopia withdrew quietly from the IGAD led Somali peace process. This departure again changed significantly the dynamics of mediation within the IFC. Among the parties the SRRC now without its patron changed its position and now supported the call to suspend the Conference. Following this change of positions by its biggest opponents the international community immediately returned to this agenda. Meanwhile the Conference in the month of August received two high profile visits by UN officials. The first was by the UN undersecretary for Political Affairs, Prendagast who met the Somalis and members of both the IFC and IPF. Present in the closed door meeting were Mohamed Foum of the Africa Union, Tabman, UN special envoy to Somalia, Babadejo and Maria Torres of the United Nations. This meeting mooted the idea a troika for Somalia. The second visit was by the UN Secretary General himself, Koffi Anan. The addressed the Somali delegates. The purpose of the two visits to instill confidence in a process that was viewed as ineffective and on the verge of collapsing.

The emergence of the troika as a contact group in the peace process can be understood in the context of simultaneous mediations. Theoretically, Berridge[60] distinguishes between two kinds of simultaneous mediations; coordinated and uncoordinated. Whereas uncoordinated mediation reflects the divisions, coordinated mediation on the other hand involves collective action by simultaneous multiparty mediators. The coordination in this case is carried out by a

[59] "Frontline States Committed and United in their Support to Somalia Peace Talks," Press Release, Ministry of Foreign Affairs, Nairobi, 16th July, 2003; see also "Ethiopia is Blamed Over Somali Row," *Daily Nation*, 13th July, 2003; Ken Opala, "Foreign Powers Stalk Somalia," *Daily Nation*, 21st July, 2003
[60] G.R. Berridge, *Diplomacy Theory and Practice*, 3rd edition op.cit pp.202-203

contact group. The thinking behind the creation of a troika is based on the idea of collective effort in mediation.[61] The troika assumes the role of a contact group in within a multiparty simultaneous mediation which is largely coordination. In this regard the IGAD Troika first undertook a trip to Somalia. The trip served the dual purpose of fact finding and to persuade Abdikassim and Musa Sudi to return to the negotiating table. On their return troika asserted its authority as the new coordinators by suspending the peace process on the basis that it was not all-inclusive.[62] This time the suspension was effective because it backed by a donor freeze that resulted in withdrawal of services and eviction notices to the delegates from hotels and KCCT. The situation would have worsened at KCCT had it not been for intervention by then Kenyan Internal Security Minister Chris Murungaru. Having failed to secure an appointment with President Kibaki, the chairman called him and services were restored by KCCT after days of starving the delegates.[63]

The entry of the troika had far reaching implications to mediation and management of the peace process. First, the IFC lost its role of facilitating the peace process to the troika. Additionally, the management of the process went to the donor community. In this regard although the IGAD Partners Forum (IPF) came as observers to the process they now took over the decision-making role contrary to the Rules of Procedure.[64] Secondly, the Somalis also lost the ownership of the peace process. Decisions were no longer through consensus at the plenary but through dictatorship. On this basis, a third and more grave concern emerged. The mediation script changed focus from negotiations and reconciliation to seeking an outcome.[65] By changing

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[61] See Minutes of Somali Delegates meeting and the UN Security Council Undersecretary for Political Affairs, Intercontinental Hotel, Nairobi, 10th November, 2003.

[62] Leading this onslaught was Amb. Foum, African Union Special Envoy for Somalia.

[63] "Somali Peace talks end but leaves Kenya with whooping debt of 87m to pay," *Daily Nation,* Nairobi, 2nd February 2005

[64] Refer to Chapter Four

[65] Walid Musa the Representative of the European Union was the main proponent of this idea.

to an outcome driven process the troika wanted to justify to their capitals the funding that was being pumped into the process. However, this was at the expense of ignoring the need for Somalis to seek a mutual solution to their problem. It is not surprising that the outcome obtained could not be implemented. However, immediate impact was the stoppage of the Conference and the uncertainty of the process after the troika argued that there was need to take a break until those who had left for Somalia returned.

6.5 The Deadlock on Leadership Prior to the Retreat

The suggestion for a leaders retreat originated from the troika after their visit to Somalia. It was seen as a way to jumpstart the talks. In negotiation theory the ideas serves as a face saving device for stalemates. An important way of sustaining momentum in negotiations is to give the public impression that the talks are nearer to success than is the case in reality.[66] However, it is necessary to consider the circumstances carefully before "talking up the talks."[67] Whereas the tactic may not succeed when it is manifestly obvious that success is nowhere in sight, the opposite is equally true because it may result in loss of public credibility or the contrary. Nevertheless, when used sparingly and clear progress in one or other stage of the negotiations has been made, "talking up the talks" can prove very useful indeed.[68]

The troika's visit to Somalia was meant to publicize talks and raise their profile through public awareness. The other milestone considered within this strategy was bringing all the leaders together in the public eye. It was on this basis that the retreat envisaged. Indeed, the idea generated a little momentum for the stalled talks. The plan premised on the belief that the leaders on their own could break the stalemate. Whereas this function had been carried out by the

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[66] G.R. Berridge, *Diplomacy: Theory and Practice* op.cit. pp. 62-63
[67] see also Carter J., *Keeping Faith: Memoirs of a President* (New York :Bantam Books, 1982)
[68] G.R. Berridge, *Diplomacy: Theory and Practice* op.cit. pp. 67-68

defunct leaders committee its demise, opened the conference to public pressure and scrutiny. It follows that this tactic only works well if the mediators sound optimistic at press briefings.[69]

At a subsequent, IGAD Council of Ministers meeting in October, 2003, the objectives of the retreat were specified as; reconciliation of the factions, removal of obstacles to the conclusion of the Conference, attainment of inclusivity, creation of space for dialogue and above all to instill confidence and optimism.[70] Apart from objectives, the principle of the retreat were also enumerated; that all groups would attend without any preconditions, that no party would insist on a fresh start of the Conference, that the Declaration on Cessation of Hostilities would be upgraded to a permanent ceasefire, that the leaders would recommit themselves to making peace and lastly that retreat would only last ten days.[71] Several problems emerged immediately on the basis of the objectives and principles of the retreat.

In a rejoinder, the TNG Prime Minister's office through Kalonzo raised a number of issues about retreat. First, it wanted the retreat to be rescheduled their argument was that the proposed date of 20th November, 2003 was too close to *Ramadhan*; secondly, while accusing IGAD of mismanagement and incompetence the TNG revived the old question on numbers of delegates, ownership of the Conference, the Draft Charter approved on September, 15th, 2003, and opened a new front on the question of Somali leadership. Abdikassim insisted that the delegation in Mbagathi in no way represented the TNG and had to be removed. On the issue of inclusivity, he called on the process to incorporate northern Somalia to preserve the unity of the Somalia Republic. While commending IGAD for an expanded IFC, he insisted that the original mandate given by the 8th and 9th IGAD Ministerial Council and Summit respectively, had been

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[69] see Harrison S., "Inside the Afghanistan talks," *Foreign Policy*, (1988) p.35
[70] *Joint Communiqué* IGAD Ministerial Facilitation Committee, Nairobi, 28th October, 2003
[71] "Concept paper on the leaders retreat," *Document of the Somalia National Reconciliation Conference*, Nairobi, SNRC/Ph2/1.12.03

disbanded. In his view the role was to simply reconcile the TNG and its opposition. In this sense, Abdikassim was seeking once again to reclaim the TNG's special role in the peace process.[72] However, that primary role had long been abandoned in favour of clan reconciliations.

Despite postponement of the retreat the IFC, the SRRC and G8 responded to the position taken by the TNG in writing.[73] The SRRC response was conditional. It insisted that it could only attend the retreat if the leadership question was addressed.[74] In their view there were only twenty five leaders who were eligible to attend the retreat. These comprised the twenty four signatories to the Declaration on Cessation of Hostilities and Abdikassim. Whereas twenty of the signatories remained Mbagathi, five were away in Somalia.[75] It is these twenty leaders at Mbagathi (now the group of twenty) who coined and insisted on the 24+1 formula for the retreat. However, the TNG calling for an inclusive process rejected this formula. Behind both arguments was the question and fear about numbers. Whereas the group of twenty saw advantage in maintaining the 24+1 formula, the TNG looked at its disadvantages and insisted on expansion. The question of numbers again became crucial because it was viewed as determinant for the presidential the results. By now within the Conference it is these two blocs that strategized on a winning formula for the Somalia presidency.

6.5.1 Mediating the Leadership Crisis

The IFC divisions rendered it helpless in this highly contentious issue. The troika on the other only referred to two principles of the retreat. The first was that participation would not be based on any pre-conditions and that the conference had to be all-inclusive. Consideration for the principle of inclusivity meant that the absentee signatories to the Declaration on Cessation of

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[72] A letter from the Somalia Ministry of Foreign Affairs, *Ref. WAD/997/03*, 3rd November, 2003
[73] Letter by the conference coordinator postponing the conference, Nairobi, 23rd December 2003
[74] "Position of SRRC on the Retreat," letter to the IFC, copied to Minister for Foreign Affairs, Nairobi, December, 1st, 2003 signed by Hassan Mohamed Nur Shartigadud who was the chairman of SRRC then.
[75] Among the signatories Musa Sudi, Abdirizak, Isaq Bihi and Barre Aden Hirale were in Somalia.

Hostilities plus Abdikassim would be five; civil society would have five and eleven from Abdikassim's allies. These plus the twenty would bring the total to over forty leaders. If this happened, the SRRC and G8 considered themselves disadvantaged and therefore threatened to boycott the Conference.

Rather than find an amicable solution to the problem through reconciliation the IFC adopted the troika's stance the all-inclusive principle. The troika moved a notch higher and through the IGAD ministers, begun to issue threats to the faction leaders who dared leave or boycott the retreat.[76] Amidst all these the group of twenty did not sit back. Fearing that they could not escape the retreat but unhappy with the suggestion to include new leaders who did not represent any constituents on the ground (and therefore were not genuine representatives of the people), the group voiced their concern by appealing to the chairman of IGAD and other international organizations.[77] However, the troika ignored these appeals and instructed Kalonzo to send invitations to all the leaders, but the trip to deliver the letters had to be postponed when the *Ba'llad* group refused to receive the delegation on the basis that not all of them had invitations.[78] On1st December, 2003 after further consultations both the SRRC and NSC received their letters slating the retreat for 8th January, 2004 at Safari Park Hotel, Nairobi.

6.5.2 Museveni's Facilitation

There are four different ways of raising the level of negotiations. The most common is to do this in set piece fashion. For example, following confirmation at the Leeds Castle Conference in July 1978 that no further progress in the Egypt-Israel negotiations could be made at foreign

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[76] *Joint Communique*, 2nd IGAD Ministerial Facilitation Committee Meeting, Nairobi, 8th December, 2003
[77] SRRC letter to the IGAD IFC Chairman and copied to Embassies and the EU, 22nd December, 2003
[78] Minutes of the Retreat Committee held at Kolping Center, Nairobi, 29th November, 2003

minister level, Jimmy Carter decided to propose a Summit at Camp David.[79] The same tactic was employed in the Somalia peace process.

To raise the profile of the retreat after several aborted attempts and also to satisfy the needs of the Somalis the IFC invited the chairman of IGAD, President Yoweri Kaguta Museveni of Uganda and Mwai Kibaki of Kenya, to jumpstart the Conference. [80] Museveni had sessions with different Somali factions and various other actors the IFC. It is this meeting that secured the participation of all the Somali groups in the retreat. After a closed door meeting with the IFC, the group of twenty, TNG and its ally the National Salvation Council (NSC or *Ball'ad*), the civil society and resource persons.[81] The group of twenty and a section of the civil society defended the Charter adopted on 15th September, 2003; the 24+1 formula and objected to the inclusion of any "new leaders," in the selection process,[82] while the TNG and NSC insisted on negotiating the Charter afresh; inclusion of new leaders, and the reconstitution of the plenary.

Museveni's facilitation was centered on the parties agreeing on certain things, without any pre-conditions and accepting inclusion of all in the process. Although Museveni declared he had not come with any pre-figured solutions to the Somalia conflict, he had a clear menu derived from the brief he received during the closed door meeting with the IFC.[83] The result was a walked out by the group of twenty protesting the idea of including leaders other than the 24+1 and the call to have 12% of the slots for women.[84] Most of the leaders rejected this call by referring to the Quran. To save face Ethiopia applied both shuttle diplomacy and pressure to secure the return of the group of twenty to the table.

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[79] G.R. Berridge, *Diplomacy: Theory and Practice,* op.cit.pp.69-70; see also W.B. Quandt, *Camp David: Peacemaking and Politics* (Washington DC: Brookings Institutions, 1986) pp. 165,199
[80] "Somali Leaders Retreat to be Held on 9th January, 2004," *Press Release*, 22nd December, 2003; see also "Somali warlords give presidents hard time," *Daily Nation*, 10 January, 2004
[81] Minutes of Consultative Planning Meeting, Nairobi, 5th January, 2004
[82] see Unofficial Proposed Common Agenda, Nairobi, 10th January, 2003
[83] Notes on Introductory Remarks made by the President of Kenya, Nairobi, 8th January, 2003
[84] "Somali warlords give presidents hard time," *Daily Nation*, 10 January, 2004

On their return Museveni read them the "riot act." At the meeting with all the factions Museveni described the events in Somalis as being tantamount to genocide and this had implication for the leaders. And on this basis he made two proposals on the way forward. He gave the faction leaders the ultimatum to choose to resolve the crisis by finding a solution through negotiations or face charges on crimes against humanity.[85] During the wee hours of 9th January, 2003 all the faction leaders accepted Museveni's proposal to continue with the talks.[86] After the inauguration Museveni left the negotiating scene the next day and the groups went into the talks. The face to face meeting between the TNG and its allies and the group of twenty (SRRC and G8) did not materialize, yet it would have been the first and probably easier step to achieve. The groups now refused to agree on the framework that would specify the Rules of Procedure for the retreat. It was hardliners within the two camps who still insisted on the need for a pre-negotiation agreement. Their concern reincarnated the haunting of process by the leadership ghost.

The IFC discredited 24+1 formula of the group of twenty formula the Troika argued that Somali leadership could not be limited to this narrow view. [87] Informing this contention was essentially the question of selecting the members of parliament. The TNG and NSC insisted on their right to select MPs, but this disputed by the SRRC in particular. The group of twenty objected to NSC members who had signed the Declaration on Cessation of Hostilities (October, 2002) selecting MPs. Led by Abdullahi Yusuf they insisted that they only recognized Abdikassim. [88] This issue linked to article 30(1) of the Transitional Federal Charter. Despite the flurry of activities including, high level shuttle diplomacy by Kenya's Minister for Foreign

[85] Ben Agina and Andrew Teyle," Museveni Says it is genocide in Somalia," *East African Standard*, Nairobi, 10th January, 2004 p.16

[86] "Get the Somali out of this imbroglio," *The East African Standard*, Nairobi, 10th January, 2004

[87] Report on the Troika visit to Somalia, Nairobi, 25th December 2003

[88] Interview with Abdullahi Yusuf, Delegate and Presidential hopeful, Nairobi, 16th January, 2003

Affairs, Kenya's special envoy, and selected representatives of international community coupled with the incorporation of a committee of Somali leaders on solution was found.[89] A tense mood followed at Safari Park based on the interpretation of this article.[90]

6.5.3 Positions taken on Article 30(1) of the Transitional Federal Charter

"Parliament shall be appointed by the political leaders, who were signatories to the Declaration of the Cessation of Hostilities signed in Eldoret on October, 27th 2002 and politicians who were originally and officially invited by IGAD technical committee in consultation with the traditional leaders.[91]"

The basis of the contention was the phrase "politicians originally and officially invited by IGAD." According to the group of twenty,[92] this phrase did not include those invited for the meeting at Safari Park; but rather those with the original invitation to Eldoret in 2002, most of whom were also signatories to the Declaration on Cessation of Hostilities document of October, 2002. This interpretation excluded most NSC leaders except five, namely Abdikassim, Musa Sudi, Osman Ali Atto, Barre Hirale, and Abdirizak Bihi.[93]

Although Musa Sudi of the NSC was present, however due to illiteracy he could not effectively participate in the contention and therefore the groups edified around two principals, Abdullahi Yusuf and Abdikassim Salaat. A subsequent meeting between the two only confirmed their commitment to the peace process but failed to resolve the question on leadership. This round of meeting digressed and for the first time and examine the question of power-sharing. Although, no substantive progress was made in this regard, the meeting however established a consultative forum with the aim of promoting a wider search for a solution.

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[89] Nixon Nganga, "Why failure is not an Option," *The East African Standard*, Nairobi, 9th January, 2003

[90] Interview Hussein with Aideed, Delegate and Presidential Candidate, Nairobi, 14th January, 2003

[91] See article 30(1) of the Transitional Federal Charter of the Republic of Somalia

[92] A coalition formed by Somali leaders who remained in Kenya after the contentious September, 15th Plenary, 2003.

[93] However, out of the five only Abdikassim was at Safari Park the other four stayed away in Somalia and did not come to Safari Park until much later.

The second crucial meeting of mid-January, 2004, was the result of international pressure especially from the troika and European Union. This meeting brought the remaining delegates affiliated to the NSC, TNG, and Djibouti and the others in an extraordinary plenary chaired by Moses Wetangula then Kenya's Assistant Minister for Foreign Affairs.[94] In the meeting different versions of Article 30(1) crafted by a select group of Somalis, David Bell (of the British High Commission) and Maulid Maane were examined.[95] To help find a solution Wetangula resorted to is what Kissinger[96] calls the backchannel tactic. In this strategy, a high level channel is created that short-circuits the lower-level channel on important issue. In essence the latter is kept in complete ignorance. The success of backchannels depends on secrecy, speed and avoidance of internal bureaucratic battles.[97] In this regard all suggested versions of the text were only circulated separately to the principals and a few individuals for their consideration and input. A final version was agreed and endorsed as an amendment to the Charter on 21st January, 2004. The amendment read,

> "Parliament shall be selected by the sub-sub clan Somali Political leaders invited
> to the consultation meeting in Nairobi as from January, 9th 2004, comprising
> Transitional National Government, National Salvation Council, Regional
> administrations, Somalia Restoration and Reconciliation Council, Group of 8,
> political alliance and Civil society and must be endorsed by genuine traditional
> leaders.[98]"

The amendment was quickly sent to the Transitional National Assembly of the TNG and ratified in haste. A combination of luck and shrewdness quickly made this the official position. The NSC, TNG and Djibouti now inched closer to the presidency with the ratification of this

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[94] Minutes of the meeting between the Assistant Minister for Foreign Affairs and the Delegates, Nairobi, 2004
[95] Records of the meeting between the IFC and the IPF, Nairobi, 2004
[96] Kissinger
[97] Chester Crocker et al, "Rising to the Challenge of Multiparty Mediation: Institutional Readiness, Policy Context and Mediator Relationships," in Chester Crocker et.al (eds) *Herding Cats: Multiparty Mediation in a Complex World* (Washington DC: US Institute for Peace Press, 2003) pp. 672-675
[98] Otsieno Namwaya, "Do or die as Somali peace talks resume," *East African Standard*, Nairobi, March, 13th 2004 p.25

amendment.[99]   Feeling confident that it would secure a majority during the selection of MPs Djibouti and its allies now pushed for the next step.[100] Clearly there was hurry to set up a government. This implied that Djibouti also changed its mediation script by shifting the focus from negotiating and reconciling the Somalis to obtaining an outcome.[101] Guided by a similar goal but for a different reason, the troika mounted pressure on the envoys to produce results and justify the financial assistance given to IGAD for the Somalia National Reconciliation Conference. The implementation of this new position was easy because of IPF's strategic inclusion in the decision-making process.

At the regional level the new script heightened the tension between Ethiopia and Djibouti. Both countries fell for this approach due their keenness to secure the Somalia presidency. The recognition of the 42 Somali leaders, out of which at least 12 were pro-Djibouti, gave it advantage towards securing the presidency. However, Ethiopia and her allies scared of losing the presidency to them began to make calculated tactful moves to scuttle this advantageous position Djibouti enjoyed.

The first followed the signing ceremony of the compromised agreement. Although President Kibaki witnessed the signing ceremony at State House, Nairobi on 29th January, 2004 the Safari Park agreement did not last long.[102] At the signing ceremony the Minister for Foreign Affairs forgot to ensure that the signatories endorsed each page of the text. It is after the ceremony that this technical omission was noted at the IGAD secretariat. Attempts to obtain that endorsement from the signatories resulted in divisions and rejection of the document by a section

[99] Ibid
[100] Otsieno Namwaya, "Somali peace talks stall at the critical stage," *East African Standard*, Nairobi, March, 29th 2004
[101] Ibid
[102] Eliud Miring'uh, "Somalis sign historic deal," *East African Standard*, Nairobi, 30th January, 2003

of the Somalis.[103] While the NSC and TNG members endorsed the document, SRRC led by

Abdullahi Yusuf refused to do so.[104] Eighteen out of twenty four leaders refused to acknowledge

the Safari Park Agreement.[105] They quickly reconstituted the defunct Somali leaders committee

and issued a statement rejecting the pact on the basis that the mediators had tampered with the

text of the agreement.[106] It is unclear what happened to the text since it was drawn through

backchannel negotiations. While some argue that different leaders saw different versions of texts

and therefore there was really no compromised position, others refute this thinking and blame the

mistake on 'typographical error.'[107] This last argument does not hold water because the error

would have been detected before the signing ceremony.

The real issues as pointed in a subsequent meeting revolved around the interpretation of

Articles 30(2) and (3) of the signed Agreement.[108] However, considering that the circumstances

obviously were desperate the IFC could have gone to any length to obtain this outcome. To save

face from this embarrassing situation, Kenya's Minister for Foreign Affairs threatened the

faction with sanctions.[109] A new impasse followed despite the Minister's statement and a

subsequent face to face meeting with the Somali leaders held at the Ministry of foreign affairs

offices. The bluff called by the minister could not work because Kenya lacked the "carrots and

sticks" to back it up.[110] Furthermore, the region and the international community were divided

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[103] Pauline's brief to the chairman of the IFC after visiting the faction leaders for the endorsement, Nairobi,29th January, 2004
[104] Record of the Meeting between Kenya's Minister for foreign affairs and his assistant Minister with Somali Leaders, Nairobi, 19th February, 2004
[105] "Kalonzo asks Ethiopia to back the Somali peace talks," Sunday Standard, Nairobi, 9th February, 2004
[106] Interview Mohamed Dheere, Delegate and member of SRRC, Nairobi, 8th February, 2004
[107] Record of the Meeting between Kenya's Minister for foreign affairs and his assistant Minister with Somali Leaders, Nairobi, 19th February, 2004
[108] Record of concerns raised by the Somali leaders in their meeting with the minister for foreign affairs and his assistant, Nairobi, 19th February, 2004
[109] Ministerial Statement issued by Kalonzo Musyoka to clarify the situation, Nairobi, 17th February, 2004
[110] Record of the Meeting between Kenya's Minister for foreign affairs and his assistant Minister with Somali Leaders, Nairobi, 19th February, 2004

and could not be relied on to follow through the call. Above all, the United States which may have provided such kind of support was lackluster in its participation.

Although many states throughout history incorporate conflict management as an element of their Foreign policy it is obvious the big and powerful states can manage while others like Kenya are small and weak to undertake this task.[111] The success of big states in conflict management is attributed to the vast resources that they command and which small states do not have. However, states that want to undertake mediation or other conflict management roles must do so after a careful reading of the conflict at hand.[112] Conflicts have a life of their own and depending on the stage they are in mediation may not work. It is not surprising that the Safari Park Agreement turned moribund and contentious not only among the Somali factions but also their allies at the regional level.[113] A plenary session scheduled for 29th January, 2004 to specifically endorse the amendments to the Charter signed failed to take off.[114] A second attempt also failed on 30th. On 19th February, 2004 members of the SRRC who left the conference founded a new alliance the National Organization Council for Somalia (NOCS).[115]

6.5.4 Traditional Mechanisms and Conflict Resolution

The period after ratification of the amendment saw efforts put in place to bring traditional leaders. Despite the fact that the civil war eliminated or changed the dynamic of traditional leadership among the Somalis they still remained an important component of that society especially in relation to conflict resolution. Many traditional leaders were killed in the civil war

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[111] Makumi Mwagiru, "Kenya's Diplomacy of Conflict Management: Its Contribution towards Conflict Resolution in Africa," *South African Yearbook of International Affairs*, 2006
[112] Ibid
[113] William Faria, "Hiccups in Somalia talks," *East African Standard* op.cit.
[114] Statement by IGAD Facilitation Committee and International Observers, Nairobi, 9th March 2003
[115] Letter by Mohamed Dheere and Hassan Qalat to IGAD TC titled "Withdrawal from Somali Reconciliation Conference." Nairobi, 15th September, 2003

among the Hawiye clan and replaced by appointees of the factions.[116] The role of the traditional leaders was also crucial in the selection of the parliamentarians. The Transitional Federal Charter in the provisions of Article 30(1) envisaged their participation through consultation.[117] Indeed the charter required that the traditional leaders to append their signatures to the document containing names selected by the politicians or faction leaders.

Although the original text read, "endorsed by the traditional leaders," that version attracted vehement opposition from the faction leaders who feared that it vested much authority on the traditional leaders during the selection process.[118] In an amendment the phrase, "endorsed..." was replaced with, "in consultation with."[119] The issue of traditional leaders raised stakes in the political game of presidential elections. In that regard the invitation process became highly politicized.

So politicians backed the special envoys of Djibouti and Ethiopia worked round the clock to influence who would be or not invited. One candidate, Abdullahi Yusuf used his militias in Somalia to block a traditional leader whom he did not like from boarding a plane to Kenya.[120] Others took advantage of the situation that the individuals invited would be their protégée even if this meant excluding the genuine traditional leaders. This resulted in much contention over names of traditional leaders. The best example emerged within the *Digil Mirifle* sub-clan of *Geledi*. Here, two individuals presented themselves, each claiming the Geledi Sultanship. Investigations established that the two were sponsored by different factions. While Sheikh Abdi

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[116] Information obtained through informal discussions with Mohamed Abdulle, Jererwyn Delegate, Nairobi, 15th March, 2004
[117] See Transitional Federal Charter of Somalia, Document of the Somalia National Reconciliation Conference, Nairobi, 15th September, 2003
[118] The Transitional Federal Charter of the Somali Republic, KCCT, Mbagathi, Nairobi, 15th March, 2003
[119] The Transitional Federal Charter Amendment, Safari Park, Nairobi, 21st January, 2004
[120] Information given by Ali Bashir, delegate to the peace process, Nairobi, 16th May 2004

Yusuf was sponsored by Madobe, the other Sultan Osman was supported by the *Geledi*.[121] Modobe working through the Ethiopians ensured that Yusuf was included in the list of the *Digil Mirifle* traditional leaders. Thus both had to be consulted among the *Digil Mirifle*.[122] This created many disagreements during the selection process.

Apart from this confusion about traditional leaders, another phenomenon hit the process; the jetting in of members of the Somali Diaspora. In spite of protests by delegates the IPF and the IFC overruled. As it turned out this was also the period the IPF was giving a lot of trouble with funding and there were continued threats from hotels over accumulated debts.[123] While the Kenyan special envoy was sorting this logistical issue about accommodation of delegates, Djibouti and Ethiopia were fast tracking the peace process towards a new political dispensation.[124]

Adding to this confusion was the split within the Rainbow Coalition government in Kenya helped Ethiopio-Djibouti strategy. The disagreement between the Liberal Democratic Party (LDP) the National Alliance of Kenya (NAK) resulted in the transfer of Kalonzo, first from the Ministry of Foreign Affairs to that of Environment then his subsequent sacking as minister. Kalonzo was replacement by John Koech of East Africa and Regional Cooperation. [125] Although Djibouti protested this move the threat remained verbal (because they had found an ally in Kalonzo who helped the talks continue during the absence of Ethiopia). Koech being new to the process and was easy to out maneuvered. Abdi Farah of Djibouti taking advantage of this situation ensured that Kenya effectively lost its leadership role in the peace process. In this sense, major decisions were now taken by Djibouti or Ethiopia or both. This is clearly reflected

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[121] Information obtained during a meeting between the two Geledi groups, Nairobi, 14th April 2004
[122] Interview Hussein Osman, Delegate and member of the Geledi sub clan, Nairobi, 14th April, 2004
[123] "Somalia teams run out of cash," *East African Standard*, Nairobi, 8th May 2004
[124] Andrew Tele, "Hotel throws out Somali delegates," *East African Standard*, Nairobi, 12th May 2004
[125] David Mugonyi, "Kalonzo fired from the peace talks," *Daily Nation*, Nairobi, 27th August, 2004

in the question of traditional leaders and the issues of the coming of the Diaspora. Although Kenya on the grounds that the Diasporas added to the number of delegates and changed the dynamics of the peace process, the protests were unheeded. The two new friends in their marriage of convenience mooted the idea.[126] From their perspective, it as an easy way of increasing the numbers of their supporters to the conference and more importantly to bring in those they wished to take over leadership in Somalia. For instance, Djibouti brought Shariff Hassan to come and vie for the post of Speaker of Parliament and Abdullahi Adow for president, while Ethiopia got Ali Ghedi.

In an effort to diffuse this situation and avoid being locked out of the game, Kenya's special envoy brought in Mohamed Affey.[127] Affey a Somali of Kenyan origin was also the Somali ambassador designate. In the view of the special envoy a Somali of Kenyan origin would help Kenya strategically be useful in the dynamics of the game. The chair of IFC and Kenya's special envoy considered Affey a useful direct link to the delegates, however, his two counterparts from Ethiopia and Djibouti became uncomfortable with him. The move however also turned out to be counterproductive in many ways.[128] For instance, though others viewed him as a Kenyan, Affey considered himself, first, a Darood then, a Kenyan. On this basis Abdullahi Yusuf welcomed him as a fellow Darood, but other groups especially, allied to Djibouti, like the TNG did not. The mixed reaction to his presence caused both cheers and hatred. Djibouti derided his presence on the basis that he would support and protect the interests of Abdullahi Yusuf, a fellow clansman.

But Affey turned to be useful than expected. It is his involvement that helped to break the impasse between Abdullahi Yusuf and Abdikassim Salaat. On the day that the second plenary

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[126] Record of the IFC meeting, Nairobi, 6th June, 2004
[127] Interview with Mohamed Affey, Member of Parliament, Kenya, Nairobi, 7th October, 2009
[128] Adow Jubat, "Somali government by July," *East African Standard*, Nairobi, 31st May 2004

meant to endorse the Safari Park Agreement failed to take off, the negotiations were moved to a secret place, in Karen through Affey's coordination. This meeting in Karen was crucial to the peace process. It is here that a final power sharing deal brokered between the two principals.[129] Those who participated in the meeting included Kalonzo Musyoka, Mohamed Affey (who was the contact person), Abdullahi Yusuf and Abdikassim Salaat.[130] At Karen Abdullahi Yusuf argued for the presidency on the basis that the Hawiye had had their chance, so it was the turn of a Darood. Abdikassim on the other hand proposed that he should be allowed to finish the term he extended in August, 2003 after the expiry the TNG first term.[131] Kalonzo intervened at this point and suggested that since the two could not agree on the way forward about power sharing, the presidency could be made competitive, and the looser should respect the results.[132] Both principals bought into this because each of them saw the potential for winning. It is this result of the secret meeting in Karen that catapulted the process into the power sharing phase.

6.6 Power Sharing Phase

The Karen meeting was followed by an IGAD Ministerial meeting at Mbagathi to launch the last phase of the Conference. Different clans caucused to decide on how to share the slots allocated to them.[133] Each clan meeting in theory comprised delegates, faction and the traditional leaders.[134] Conceptually, the process should have been easy, because the clans would simply agree on how many each sub clan would have. In distributing to the clans their slots the IFC used

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[129] Interview with Mohamed Affey, Member of parliament-Kenya, Nairobi, 7th October, 2009
[130] Ibid
[131] Letter to the IFC by Hassan Abshir and Abdalla Deerow, titled "A brief Report on the Expiry of the TNG Term of Office for Abdikasim Salaat, Nairobi, 12th August, 2003
[132] Interview Mohamed Affey, Member of parliament, Kenya, Nairobi, 7th October, 2009
[133] Time table for clan caucuses, Nairobi, 27th October, 2003
[134] Statement to the Delegates by the Kenya's Special Envoy and chair to the IFC, Nairobi, 25th February, 2003

the 4.5 formulae.[135] The IGAD secretariat made organograms showing the clans and their sub-clans to help with the distribution.

Problems with the formula emerged amongst the minority especially the *Jererwyn* who questioned the rationale behind allocating 61 slots each to the *Hawiye, Darood, Dir* and *Digil Mirifle* and only 31 for the entire minorities.[136] However, their complaints went unheeded by the IFC, the troika and international community. The IFC worsened the situation by issuing a statement that the slots should be distributed upto the sub, sub, sub-clans level. This infuriated the faction leaders who rejected it and termed unreasonable.[137] They preferred the sharing to end at the sub-sub clan level. It this latter position that was finally adopted after consultations between the special envoy of Kenya who was the architect of the first view and various opinion leaders like Maulid Maane, Hassan Habshir, Qanyere, and Abdullahi Yusuf.

6.6.1 The Arbitration Committee and Traditional Mechanisms Theory

Anticipating disputes over distribution and power sharing the Somalis called for the formation of a Somali arbitration committee.[138] After the plenary problems of September, 2003 and what followed during the Safari Park plenary of 2004,[139] the IFC and the IPF quietly took a decision to disband it and assumed its role. Informed by this situation the Somalis agitated for the arbitration committee as a means of reclaiming ownership of the conference. At the conceptualization of the peace process the delegates' plenary was considered the highest decision making organ.[140] Under these circumstances, the Somalis were naturally were unwilling to cede ownership of the process as such; they viewed the arbitration as the only means retain to their

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[135] Document on the Formula for Balanced Clan Participation in the Somali National Reconciliation Process, Eldoret, 19th November, 2002
[136] IFC Letter to the Somali clan groups on the Distribution of Seats among the sub clans, Nairobi,
[137] See Otsieno Namwaya, "Do or die as Somali peace talks resume," *East African Standard*, Nairobi, March, 13th 2004
[138] See Chapter Seven
[139] Ibid
[140] Ibid

role in decision making. In their wisdom they crafted a traditional mechanism that locked out all external interference but at the same time handled disputes competently.

The idea of an arbitration committee therefore was popular and welcomed in Somali circles. The delegates and faction leader agreed to nominates two people of high integrity to sit in that committee. This ensured not only a clan balance but also faction representation. The other members to sit in the committee were two members of the IGAD secretariat whose main function was record keeping of both the deliberations and decisions taken. The committee members were namely, Hussein Osman Hussein, Captain Nur Aden Nur Ahmed (Digil Mirifle), (Darood) Sheikh Ali Khalif Gurre (Darood), Dr. Muse Nur Amin (Hawiye), Mohamed Mukhtar Mohamed (Jererwyn), Muse Hersi Fahiye, Mohamed Ali Hagaa (Dir), Eng. Mohamed Siyad Naleye, Sultan Ahmed Jama Hersi, Ahmed Abdikadir Hussein, Olad Gure Hayow, Hasaan Mohamed Musa (Boles), Mohamed Mohamoud sh Abba, Mohamed Suleiman Botan and Ahmed Musse Amin.[141]

The committee elected Hussein Osman Hussein as its chair. Most faction leaders viewed him as easy to manipulate since he originated from a relatively small, weak and unarmed sub clan of the Digil.[142] The IFC was also comfortable with him on the basis that he had no clout within the Somali community as a member of the Diaspora.[143] The committee members welcomed his election on different grounds. While the senior members hoped they would outwit him with facts on the ground and therefore manipulate decisions, the youthful ones viewed him as easy to strike a rapport with. In this regard all the groups prepared to take advantage of the committee and its chair and gain maximally.

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[141] List of names from IGAD secretariat document, the committee had two officials also a rapporteur and a translator, 24th July, 2004
[142] Hussein comes from the Digil who are part of the Digil Mirifle clan.
[143] ibid

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The rules of the committee provided a number of ways through which decisions could be arrived. They rules provided for a voting mechanism on contentious issues by which a simple majority carried the day, and laid emphasis on decision by consensus.[144] This captured the spirit of the Rules of Procedure for the peace process.[145] In this matter the chairs vote was crucial because it determined which way a decision could tilt in the event of a tie.

Within the Somali traditional setting arbitration is a common method of dispute resolution as it is not new to clan elders. In this sense the committee was solely to serve the dual purpose of resolving disputes and reclaiming ownership of the process, however, the IFC on its part had a different agenda for it. In the view of the IFC the arbitration committee was a god-sent bulwark for contentious decisions which it feared could soil its hands. After the Safari Park leaders' retreat the IFC became cautious on allowing itself to be battered again. The IFC at this point in time, was determined to the see the process run smoothly in order to secure an outcome by all means. It therefore envisaged the committee as the perfect smoke screen to IFC dirty jobs (read unpopular decisions). In this sense the IFC planned underhand deals that would ensure an outcome at the end of the day. Informed by their tradition the Somalis placed a lot of faith in arbitration as a suitable mechanism for handling problems, however, it could not perform due to the nature and sensitivity of the issues it dealt with. Considering the political situation of Somalia the issues were too delicate and therefore arbitration was inappropriate.

When parties in a dispute choose arbitration as a dispute resolution method they often confer upon the arbitrator the authority to hear evidence and render a binding decision.[146] Unlike mediation the arbitrator has the authority to decide which party prevails. The Somali factions

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[144] Arbitration Committee Internal Rules, Nairobi, 31st March, 2003
[145] Rules of Procedure for the Somali National Reconciliation Process, Eldoret, 26th October, 2002
[146] Ibid

accepted this condition without hesitation.[147] Since each faction leader had a representative in the committee, they were sure that their interest would be safeguarded. In its operations the committee was limited to deal only with cases referred to it in written form by the IFC. This was a precautionary measure to ensure the IFC still controlled the committee.

The first test of the committee came from the Darood sub-clan of *Harti*. In their clan caucus meeting a decision reached was to allocate the *Harti* sub-clan 21 slots. This allocation met with resistance from its members who flatly refused to accept that share on the basis that it was unfair.[148] The IFC chose take a neutral stance on the issue because it touched a principal faction leader, Abdullahi Yusuf. In addition it could not provide any solutions because its members were deeply divided on the matter. While Djibouti quietly celebrated that decision Ethiopia was furious about it. The basis for the two different reactions was informed by the strategic calculations of the two countries. In this regard Ethiopia a principal ally of Abdullahi, viewed the decision as strategy to reducing his to be a president; an outcome that Djibouti did not mind.

The first working meeting of the arbitration committee came from the minorities. In a letter dated, 19th July, 2004, the IFC requested the committee to distribute the thirty one seats of the minorities among its sub clans.[149] Informing the disagreement within this group was the power struggle between Maulid Maane, Fahma and Osman Maye. In this case, each one of them aimed at securing a larger portion of the seats in order to sell to the members of the Diaspora, reward their friends or later use as a bargaining chip with presidential hopefuls. As Maulid

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[147] Documents on the nomination of arbitration Committee members, Nairobi, 20th March, 2004
[148] Document on the agreed apportionment/distribution of seats within the clans done by the arbitration committee, Nairobi, 8th August, 2004
[149] Letter from the IFC to the Somali National Arbitration Committee, Nairobi, 19th July, 2004

Maane caused havoc among the *Bantu* so did Fahma within the *Benadiri*.[150] Once again the arbitration committee worked the numbers on its own basis giving to the: *Jereer*-7, *Benadir*-6, and *Meheri*-3. While *Rer-Aw-Hassan*, *Madiban*, *Yahar* and *Ajuran* got 2 each, *Arab-Somali*, *Garjante*, *Tumal*, *Yibir*, *Muse Deri*, *Barawan* and *Bajun* each received 1.[151] This distribution significantly ended the squabbles although once again some groups were still dissatisfied.

In second letter dated, 22nd July, 2004, the IFC requested the arbitration committee to distribute the parliamentary seats of the *Dir* among its sub clans. The signatories to the letter included; Mohamed Affey (Kenya's ambassador to Somalia), Ishmail Goulal (Djibouti's special envoy), Abdullaziz Ahmed (Ethiopia's special envoy), and Bethuel Kiplagat (Kenya's special envoy to Somalia and Chairman IGAD facilitation committee). [152] From the number of signatories this case did not attract as much attention as the earlier one involving the *Darood*. This is mainly because none of the *Dir* faction leaders in this case was a principal. After its deliberations the committee distributed the seats as follows. It gave the *Isaaq* 28, *Gerdabusi* 9, *Isse* 8, *Bimal* 7, *Surre* 5 and the rest *Warde*, *Reer-Aw Siad*, *Bajamul* and *Madalug* 1 each.[153] Again some sub-clans were content while others became unhappy. As in the case of the *Darood* the committee stood firm by its decision.

The case for that matter was referred to the arbitration committee by the IFC. In its letter dated 24th July, 2004, the IFC "…requested the committee to distribute the parliamentary seats of the *Darood* among its sub- clans,"[154] The signatories to the letter were; Mohamed Affey (Kenya's Ambassador to Somalia), Didas Twinomugisha (Uganda High Commission), Abdulaziz

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[150] The death of Dr. Rajis in Eldoret resulted in leadership wrangles among the Benadiri. Fahma his widow fought Osman Maye who was the last minute signatory to the Declaration on Cessation of Hostilities. She also contended with Maulid for supremacy among the minorities.

[151] Letter of the Arbitration Committee to the IFC, decision no. 01/04 , Nairobi, 19th July, 2004

[152] Letter from the IFC to the National Arbitration Committee, Nairobi, 22nd July, 2003.

[153] Submission letter of the Arbitration Committee on Case no. 02/04 of the Somalia National Reconciliation Conference on the Distribution of the 61 parliamentary seats quota of the Dir, 24th July, 2004

[154] Letter from the IFC to the Chairman Somali National Arbitration Committee, Nairobi, 24th July, 2004

Ahmed (Ethiopia's special envoy), Ishmail Goulal (Djibouti's special envoy), Mohamed Ali Foum (AU special envoy to Somalia), Yohannes Berhe (Eritrean Embassy) and Bethuel A. Kiplagat (Kenya's special envoy for Somalia and Chairman of IGAD facilitation committee).[155]

The decision of the arbitration committee surprised many people. In allocated the *Hart*-27, *Marehan*-14, *Absame*-12, *Lelkase*-5 and *Awrtable* -3.[156] The first to protest the ruling was Affey who described it as a shoddy job; he was followed by Abdullahi Yusuf and others including Ethiopian representatives within the IFC. The *Harti*, through Abdullahi Yusuf, argued that they deserved more slots on the basis of the award they received in Djibouti during the Arta peace process. This thinking derived from the belief that there were slots in this peace process than Arta. In the latter case, the parliament formed had 245 compared to the 275 of Nairobi. It was confirmed that President Omar Guelle of Djibouti (in his wisdom) increased the *Harti* slot from 21 to 27 at Arta. However, the decision of the arbitration committee was based on the Somali traditional clan sharing formula and corrected Guelle's error. Although pressure was mounted on the committee, it stood by its decision and refused to rescind it. Had the committee relented then it could have set a bad precedent for future its decisions. With support from the international community, the committee stood its ground and calls by Adullahi Yusuf for additional slots were overtaken by events.

The unhappiness with the decisions of the arbitration committee can be explained by its very nature. As mode of conflict management arbitration can only lead to a settlement as opposed to a resolution. Considering that the Somalia conflict among other things was protracted it required a methodology that would lead to resolve it by leading to a win-win solution for the parties. In this case the gains of one party do not necessarily translate to into losses for the other.

[155] Ibid
[156] Submission letter of the Arbitration Committee on Case no. 03/04 of the Somalia National Reconciliation Conference on the Distribution of the 61 parliamentary seats quota of the Darood, 27th July, 2004

Instead, this methodology offered a win-lose solution where the gains of one party translated into losses for the other. From this perspective, arbitration was inappropriate for the situation. However, since the IFC was seeking a quick fix solution it was used to ensure the process forged ahead.

Satisfied that the contentions were overcome and the committee had served its purpose the IFC looked for an opportunity to disband it. The committee now unpopular with both the IFC and Somali factions created the chance when its members wrote demanding to be reserved for fifteen slots in parliament.[157] This created internal wrangles within the committee. Indeed it pitted committee members against the chairperson of the committee. Because the latter did not support the request, and the members saw him as an obstacle. The letter drew anger from the IFC members who thought the committee was being over ambitious. Above all, faction leaders interpreted this request to mean the committee members wanted to get to parliament through the back door. According to the faction leaders the procedure for selection was clearly laid down in the Federal Charter.[158]

The day the arbitration committee members deposed its chairperson, the IFC decided it was time to deal with it. Compounding this problem was the fact that some members of the committee were now sneaking in cases that had not been referred to the committee in written form by the IFC. It did not surprise the faction leaders when the committee was declared by the IFC as dissolved. The faction leaders did not raise any objections since they were also unhappy with some decisions of the committee. The implication of the decision to disband the committee was that effectively, the control of the peace process returned to the IFC. Knowing that it had

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[157] Letter to the IFC titled 'Exceptional Parliamentary Seats for the 15 Members of the Arbitration Committee', Nairobi, 26th July 2004
[158] Article 30 (1) of the Transitional Federal Charter of the Somali Republic

been helped to deal with some of the controversial decisions the IFC considered it safe to once again take charge of the process.

6.6.2 Selection of Members of the Somalia Parliament

The next step in the process was very sensitive and the IFC was not going to take chances with the existence of a seemingly independent body of Somalis that could claim to take authoritative decisions.[159] For the IFC, now that the outcome was nearing no dissenting voices could be entertained.[160] In a letter to the clans the minister for foreign affairs Kalonzo Musyoka sent Somalis to their clans and sub clans for the purpose of selecting members of parliament.[161] This move and the disbandment of the arbitration completely weakened the collective bargaining strength of the Somalis. In addition to the letter a schedule for submission specifying the time was attached. This was meant to exert pressure on the Somalis to give quick results. The implication was that clans were turned into turfs for individual duels. Therefore, there was a time limit and the luxury of searching for a mutual solution was abandoned by the mediators. The mere act of suggesting solutions by the mediator affects the dynamic of the negotiation in a way that parties' suggestions never can. When stalemates occur many times, as happened in the Somalia peace process, the parties became receptive to outside intervention. In this case a proposal given catalyzes and anchors perceptions thus serving as draft form of what may eventually be an agreement.

This idea of getting an outcome within a given schedule affected the dynamics of the negotiations. Rather than focus on contending issues many Somalis now wanted to ensure that they were selected into parliament. Considering that the process had dragged on for long,

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[159] Patrick Mathangani, "Somali talks gets into crucial stage," *East African Standard*, Nairobi, 24th May 2004
[160] "Diplomacy failing again in Somalia," *East African Standard*, Nairobi, May 22nd 2004
[161] The letter from the Minister for Foreign Affairs to the Clans titled, "Submission of Members of Parliament by clans and sub clans," Nairobi, 2nd August, 2004 and gave the deadline of August, 3rd, 2004 for submission.

selection became the primary goal while issues in the conflict were secondary. The IFC also strategically raised the stakes for selection by selectively allowing members of the Diaspora into the game. Once the selection exercise kicked off, rivalry and cases of violence became rampant. For example Sifir, a member of the Diaspora from the *Dir* group was assaulted on the grounds that he was an imposter. Beyond this the selection exercise was turned into a secret activity that was closely monitored by the IFC. Only one member of the secretariat accessed records of the names of those selected. It is such moves that made the exercise very acrimonious. However, this did not rule out drama on the part of IFC and the delegates.

A case in point was that of the *Murusade* sub clan of the *Hawiye*.[162] Challenged by his rival, Hassan Pilota, and the traditional chief, Qanyere sneaked in a list which was quickly endorsed by the IFC. This endorsement supported by Kenya and Ethiopia annoyed Pilota and other members of the *Murusade* sub-clan who were not allied to Qanyere. Kenya in supporting Qanyere hoped to secure him either the presidency or the prime minister's post in the long term. In this way the new political dispensation in Somalia would be friendly, thus making Kenya not only secure but also helping it to curb crimes, deal with the refugee burden and check the proliferation of small arms.[163] By now he had gone back to being a close ally of the Ethiopians.

The other case involved Maulid Maane who abandoned all his delegates and settled for the new members from the Diaspora. While the IFC argued that Maulid as a leader had the right to do so his decision was challenged by other Bantu leaders like Hussein Bantu. The endorsement of the list by the IFC was on the grounds that he was a strong ally of Abdullahi Yusuf who had full backing of Ethiopia. The latter dared not touch Maulid because this would be

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[162] This is a sub clan of the Hawiye. Two rival faction leaders were competing for control Hassan Pilota and Mohamed Qanyere. Kenya was misled to believe through Somali propaganda that Mohamed Qanyere was a principal faction leader in Mogadishu. This had been true earlier but the situation had changed drastically by July, 2004.

[163] Mary Nzioka, "Somali flight ban is lifted," *Sunday Standard*, Nairobi, 6th July, 2003

a loss of votes for Abdullahi Yusuf. Kenya went along with the decision and Djibouti did not

worry because it was confident its allies, NSC and TNG, still held the majority.

The first to select members of parliament were the *Digil Mirifle*. The only hitch here was

Madobe who presented a list that was contested by the *Digil* on the basis that it was endorsed by

a fake traditional leader. Complaints about it however, were ignored by the IFC whose

determination was to see the exercise through at all cost. In this case like others, once a list was

crafted by one main faction leader the IFC endorsed. Desperate delegates protested through

letters and [164] only general Morgan left quietly and returned to his base in Somalia.[165] Obviously

most of the lists were engineered with the approval of members of the IFC especially Djibouti

and Ethiopia. The two flexed their muscle to ensure they included as many names of their allies

as possible as a way to secure votes for their presidential candidate. The two principal faction

leaders also kept quiet because the IFC did them a favour by endorsing the lists they presented

without question, in addition to the fact that the name-game was directly in their interest.

The result was a 275 list of members of the Somalia parliament who took oath of office at

a ceremony held at the United Nations Headquarters in Gigiri on 29th August, 2004. The

occasion was witnessed by Kenya's vice president, and Africa Union chairman Alpha Omar

Konare [166] among other dignitaries. The selection exercise was a plus for Djibouti which prided

itself to have the numbers to catapult its ally to the presidency. This situation worried Ethiopia

which vested interests in the outcome of the new political dispensation. In spite of the success of

the swearing in ceremony the IFC was worried about the boycott staged by Gen. Mohamed Hersi

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[164] James Anyanzwa, "Somali faction accuses Kiplagat," *Sunday Standard*, Nairobi, January 18th, 2004
[165] "Tension as Somali rivals warn of war," *East African Standard*, Nairobi, 7th September, 2004. See also Victor Obure and Boniface Ongeri, "Fleeing warlord embraces peace," *Sunday Standard*, Nairobi, 26th September, 2004
[166] Chege Mbitiru, "Somalis Finally edging towards Peace," *Daily Nation*, Nairobi, September 6th 2004

(Morgan) and Hussein Aideed.[167] Aideed accused Kenya, Djibouti and Ethiopia of sneaking into his list 49 friendly MPs,[168] while Morgan prepared to attack *Kismayu* in an effort to make his point to IGAD.[169] The longest and greatest battle against the selection exercise however came from Mohamed, the *Saransor* representative. His calls for fairness in the selection exercise however went unheeded.

From the theory of mediation it is important at such a critical stage for the mediator to remain non-directive. This is because it is parties to a conflict who should find a mutual solution to their problem however, a directive mediator interferes with that process. It makes sense then that all the parties should be given an equal chance to express themselves. By so doing the parties are able to overcome some of their anger and unrealistic goals thus allowing meaningful reconciliation and negotiation. This thinking is informed by the belief that allowing parties to walk through the history of their grievances also predisposes them to listen to each other, thus creating a suitable environment the resolution of conflict.[170] These principles were however, disregarded by the IFC in preference for an outcome.

6.6.3 The Election of the Speaker and his Deputies

Following the successful inauguration of parliament the first task it undertook was the election of the Speaker and his two deputies. For this purpose the chairman of the IFC handed over the stewardship on September, 2nd 2004, to the oldest delegate, 83 year old Hirsi Bulhan Farah.[171] This symbolized traditional authority within Somali society when it came to decision

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[167] The two were protesting the whole entire selection process; see *Daily Nation September*, 6th 2004.
[168] See Mburu Mwangi, "Peace for civil war-ravaged Somalia." *Special Report Daily Nation*, Nairobi, October. 10th 2004.
[169] "Somali warlord against talks ready for war," *Daily Nation*, Nairobi, September 7th, 2004
[170] Makumi Mwagiru, The Water's Edge: Mediation of Violent Electoral Conflict in Kenya (Nairobi: IDIS Publications on International Studies, 2008) p. 119
[171] Gakuu Mathenge, "Kenya's top diplomat is the mediator," *Daily Nation,* Nairobi, October, 10th 2004

making. Mr. Farah was elected chairman of the 275 member Transitional Federal Parliament and was charged with the task of organizing the elections.

Apart from this traditional symbolism the IFC was also interested in appeasing the Somalis by handing over to them the process. Beyond that the IFC viewed process as having reached a crucial stage in which no one wanted to be involved in making mistakes. It believed any problem at this juncture would easily reverse the gains made and hamper the realization of an outcome. The election of the speaker and his two deputies was considered one of the very sensitive issues. And based on experience it was necessary for the members of the IFC to watch from a distance to avoid accusations of interference.

The organization of the elections was thus left entirely to the Somali MPs who slated them for 16 September, 2004 at KCCT, Mbagathi. There were four candidates sponsored by different factions. The two main candidates however, were Shariff Hassan Sheikh Aden backed by Qanyere and Sheikh Aden Mohamed Nur (Madobe) who was sponsored by Abdullahi Yusuf.[172] Sharrif Hassan won the elections which were marred by accusations of corruption and bribery. He garnered 161 votes against Madobe's 105.[173] Again Madobe rejected the results but his complaints fell on to the deaf ears of the IFC/IPF. The stage was now set for the *grand finale* which was the election of the president.

As the time for presidential elections drew near Ethiopia felt uncomfortable and insecure because it was losing out to pro-Djibouti candidates. It stepped up its lobby for pro-Ethiopian candidates who vied for the two positions of deputy speaker. However, the two positions were less dramatic because Djibouti relaxed, satisfied that its strategy had paid good dividend of planting its allies in strategic positions in government. Although hailed as success of diplomatic

[172] Patrick Mathangani, "Finally the Somalis Elect Speaker," *East African Standard*, Nairobi, 17th September, 2004
[173] Election Score Card, see also Muriithi Muriuki, "Somalia MPs elect Speaker," *Daily Nation*, Nairobi, 17th September, 2004

efforts the return of Morgan, was actually not so.[174] It was a result of defeat by Barre Hirale in Kismayu and a forceful evacuation from Somalia, to save his life. It is on this basis that some of his colleagues did not want to welcome him back to the peace process.[175]

6.6.4 The Presidential Elections

The IFC/IPF now went into high gear to organize what was perceived as the last stage of the Somalia peace process. The atmosphere was one of success and no one wanted to renege on the outcome which was only a short distance away. Both IFC and IPF members gave press conferences in which they illustrated how success was going to be achieved. There was even a document designed to show the road map.[176] Rules were created to determine the presidential candidates.[177] One rule that drew the wrath of the Somalis was one that required that the candidates pay a fee. Already there were over fifty names of presidential candidates. While the rule was meant to cut down the huge number of candidates the Somalis nevertheless cried foul. They viewed the rule as taking away the process again into the hands of the IFC. They also viewed the rule as discriminating the poor and favoring the rich. The IFC quickly withdrew the rule and set up a new vetting technique by which candidates had to seek nomination from the delegates.[178] In this case the Somalis debated among themselves and determined the candidates for the presidency.[179] The candidates were drawn from factions and clans amongst them only one woman presented herself.[180] Only 24 candidates participated in the elections two having stepped

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[174] Victor Obure and Boniface Ongeri, "Fleeing warlord embraces peace, " *Sunday Standard*, Nairobi, 26th September, 2004

[175] Victor Obure and Boniface Ongeri, "Somalis reject Morgan," *East African Standard*, Nairobi, 27th September, 2004

[176] Interview Asha Ahmed Abdalla, Presidential hopeful, Nairobi, 6th October, 2004

[177] "Somalis in Historic election: Newly elected MPs at Kasarani on Sunday to pick a president for their war-tattered country," *The Standard*, Nairobi, 9th October, 2004

[178] Mwangi Githahu, "28 join race to pick president," *Daily Nation*, Nairobi, October, 10th 2004

[180] "Somalis to pick new leader and set up government," *Sunday Nation*, Nairobi, October, 10th 2004

Aisha Ahmed from the Darood clan was the only lady to declare her candidature in this male dominated race, see Muriithi Muriuki, "Somali leaders vote for president," *Daily Nation*, Nairobi, October, 11th 2004

down others. Candidates continued to cut deals as the clock ticked towards the election. All in all the two main candidates were Abdullahi Yusuf supported by Ethiopia and Abdullahi Adow who jetted in from the Diaspora for purposes of the elections. He was favored by Djibouti.

6.6.5 Election Procedures

Rules to govern the elections were drawn by the Somali parliament and then presented to the IFC for approval. Some candidates who were members of parliament tried to influence the process to come up with friendly rules. Any candidate who secured two thirds of the total number of votes was to be declared the winner. Otherwise there would be a run off of the top six candidates and if a candidate obtained 51 percent of the vote they would be declared winner. In case no winner emerged in the second round then the top two candidates would have to face off in a final round of voting.[181] The winner would be declared president and expected to appoint a Prime Minister who subsequently would form the government.

The first round shocked many after giants like the TNG president, Abdikassim Salaat, Musa Sudi a Mogadishu warlord, Ali Mahdi a former transitional president after Siad Barre, and Aisha Abdalla, Abdulrahman Barre plus 18 others fell. Hassan Mohamed Nur (Shartigadud) and Osman Jama Ali withdrew from the race. In the second round Abdullahi Yusuf, Dr. Abdullahi Adow and Mohamed Qanyare secured 80, 35 and 33 votes respectively.[182] It was seen as a battle between Ethiopia and Djibouti and Kenya respectively. Djibouti's candidate Adow, enjoyed wide support within the civil society and the international community, however, the Ethiopian one Abdullahi Yusuf did not because the latter considered him a warlord. By all estimates the Kenyan candidate remained a lame duck throughout the elections.

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[181] Somali rules for presidential elections.
[182] Election Vote Tally Score Card

Twenty hours into the process, Abdullahi Adow conceded defeat in the fourth round. Abdullahi Yusuf won with 189 votes against Adow's 79.[183] In his acceptance speech the new president of Somalia pledged to rebuild the country through reconciliation. This was the culmination of a two year long process and[184] intense lobbying along the corridors of Kasarani Stadium by Ethiopia. Djibouti reeling with shock watched helplessly as the new President was sworn in at Kasarani in a ceremony attended by several dignitaries including IGAD Heads of State and Governments and the international community representatives. Among those present were ordinary Somalis happy with the final results. Within this context Abdullahi Yusuf formed his government. The failure of Kenya to effectively engage was attributable to the fact that it neither articulated nor projected its interests in the new political dispensation in Somalia. And without her, the contest remained between Djibouti and Ethiopia.

Ali Gedi flew in from Addis and Mohamed Dheere was persuaded to step down to pave way for him to be appointed Prime Minister. In this sense Kenya and its candidate Mohamed Qanyare Afrah suffered a second defeat once Gedi was appointed to office. It is not surprising that Qanyere then turned into a spoiler. The failure and defeat of the latter could be anticipated because he lacked real control on the ground indeed his prominence was largely based on rumours from the office of Kenya's special envoy.

Immediately Ali Gedi formed his government tensions mounted because of accusations that it was an Ethiopian creation that did not reflect the 4.5 formula.[185] Again this split was influenced by the traditional rivalry between Ethiopia and Djibouti.[186] However, the real basis for the new quarrel was peace keeping and disarmament. While MPs allied to the president

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[183] Election Vote Tally Score Card
[184] Muriithi Muriuki, "New leader's vision for Somalia," *Daily Nation*, Nairobi, October 10th 2004
[185] This is the formula by which Somali clans share things in a traditional set up.
[186] "Kalonzo asks Ethiopia to back the Somali peace talks," *Sunday Standard*, Nairobi, 2003

welcomed the proposal to have foreign troops in Somalia for peace keeping and disarmament, those from Mogadishu largely *Hawiye* (Mogadishu) led by Mohamed Qanyere, Osman Ali 'Atto', Musa Sudi, Omar 'Finnish' rejected it.[187] The issue split the Somali parliament and led to physical confrontation.[188] Desperate to secure parliamentary approval for peace keeping to take to the AU Summit, the Ethiopian and Kenyan Special envoys advised the president to call an extra-ordinary parliamentary session and disregard the speaker's advice that the issue needed a bit of time to cool off before being raised as an agenda.[189]

Without regard for the speaker a parliamentary session was held on 13th November, 2004 at KICC.[190] This session chaired by the deputy speaker Dalha obtained the much needed approval but created a permanent split bad blood between the Speaker and the President.[191] Informing this disagreement was the failure to distinguish between the presidential and parliamentary systems and their operation. The chairman and Ethiopia did not recognize that the Somalia's system was parliamentary and not presidential. While in the latter the president has executive powers in the former he does not. The advice of the chairman and Ethiopia made Abdullahi think and behave like an executive president and therefore it is not surprising that this later undermined his presidency and led to his resignation.

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[187] Ken Ramani, "Somali cabinet now divided over relocation," *The Standard, Nairobi*, 24th March, 2005 p. 21
[188] Ibid
[189] Interview Awad Ashara, Member of the Transitional Federal Parliament for Somalia, Nairobi, 20th November, 2004
[190] Field Notes of the extra Ordinary Session of the Transitional Federal Parliament, Nairobi, 13th November, 2004
[191] Interview Awad Ashara, Member of the Transitional Federal Parliament for Somalia, Nairobi, 20th November, 2004

6.7 Problem of Re-entry

The re-entry problem occurs during the period of time between the negotiation and the implementation of the agreement. Once parties to a conflict sign an agreement then they need to return to the ground and sell what they agreed to their constituents and audience.[192] The constituents of a conflict are people that the negotiators claim to represent during the negotiations. While constituents are groups whose interests are interests are defended by negotiators, the audiences on the other are stakeholders in the conflict or its outcome.[193] It is important to note that the outcome of any conflict can only be implemented if the audience and constituents embrace it. Faction leaders involved in the negotiations in Kenya did so, on behalf of people and clans in Somalia. At a wider level some of them both represented regional and international interests.

The Mogadishu warlords' constituents were within the *Hawiye* clan, and sub-clans. For example, Musa Sudi defended the interests of *Abgal*, Qanyare-*Murusade*, Omar (finish)-*Abgal* (Daud), Osman Ali Ato-*Habar-gedir*, Mohamed Dheere-Abgal(Wasengeli) and Abdikassim Salaad-*Eeyr*, Abdullahi Yusuf-*Harti*, Barre Hirale-*Marehan*, Mohamed Hassan Nur "Shartigadud"- *Mirifle*, Madobe-*Mirifle*, Abdullahi Sheikh Ishmail-*Bimal* and Abdullaziz-*Dir*. Interests of the *Jererwyn* were represented by Hussein Bantu and Maulid Maane.[194] The 4.5 formula was meant to ensure that each constituent's interests were taken into account. The audience comprised regional neighbors and internationally states who had an interest in the outcome. These not only included Somalia's neighbours like Ethiopia, Kenya and Djibouti but

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[192] Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000) p.
[193] Ibid
[194] List of Selected Members of Transitional Federal Parliament of Somalia (275), Nairobi, 29th August, 2004

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others like Egypt, Libya, the USA, China and Arab ones (Yemen). Within this were institutions like IGAD, AU and the UN.

Complaints about Ali Gedi's government set in motion the re-entry problem. Some clans thought others were favoured at their expense. This was a reflection of the positions taken by the constituents. While the interest of audiences like Ethiopia and Kenya was to see a less antagonistic government in Mogadishu, others like Yemen, the Arab League, Libya, and Egypt were driven by the need for a Muslim solution to the problem.[195] Other complaints were plainly driven by individual interests. It is clear that no matter what was done the 4.5 formulae could not help to give any satisfactory result to all.

These problems culminated in the question of relocation to Somalia. The issue generated heated debate not only among the members of parliament but also other stakeholders. At the heart of the debate was the fundamental issue of security. The President supported by the Prime Minister and a section of parliament rejected calls to relocate to Mogadishu arguing that it was necessary to first disarm the militias.[196] Whereas there was no contention of the issue of disarmament disagreement arose on who would undertake the process and how it would be done. Mogadishu faction leaders all rejected the proposal to have an outside international force.[197] As an excuse the group advanced a religious perception that none-Muslims would introduce immorality and diseases.

[195] See detailed discussion in Chapter Two
[196] Ken Ramani, "Somalia cabinet now divided, over relocation," *The Standard*, Nairobi, 24th March, 2004 p.2 i
[197] Ibid

6.8 Spoiler's Theory

When peace agreements collapse, analysts point fingers at spoilers. Typically spoilers act in two ways; either systematically refusing to negotiate or alternatively, entering an agreement and then reneging on promises.[198] Spoilers in the Somalia used the latter strategy. The attempted relocation of the government shortly in early 2005, met resistance from Mogadishu. The president swore not to go to Mogadishu on security grounds while the speaker and factions from Mogadishu insisted on it.[199] Parliament split down the middle on this issue. In one of the parliamentary sessions the debate turned violent as members of parliament took to their fists.[200] The government relocated to Somalia, it went in two parts. While a section of the government relocated in Mogadishu, another one went to Jowhar.[201] The Mogadishu factions tried to replace the president just as the Jowhar faction also tried to replace the MPs in Mogadishu.[202] Finally, this rivalry on where parliament was to sit was resolved by the Yemen government when it reconciled the speaker and the president. This led to the Aden agreement[203] that was followed by the first session of parliament held in Baidoa, the new sit of the government.[204] No sooner had this achieved than a new problem emerged of fighting between the Islamists and the Mogadishu warlords.[205]

The Somalia government was happy about this. However, once the Islamists rooted out the warlords from Mogadishu they consolidated their power in most parts of southern Somalia

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[198] see D. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985)

[199] "Disarming the Militia key to order in Somalia," *The Sunday Standard*, Nairobi, 16th January, 2005 p.10

[200] Ken Ramani, "Now Somalia parliament apologizes over city chaos," *The Standard*, Nairobi, 6th March, 2005 p.20

[201] Robin Dixon, "Shaky Somalia government can't even meet at home," The Standard, Nairobi, 26th March, 2005 p.13

[202] Ken Ramani, "Somali splinter group now warns president," *The Standard*, Nairobi, 21st March, 2005 p.17

[203] *Aden Declaration*, Aden, 5th January, 2006, Done at the 22nd May Presidential Palace, Republic of Yemen.

[204] Ochieng Oreyo and Reuters, "Somalia's parliament set to meet next month in Baidoa," *International: Africa and the World*, 31st January, 2006, see also Ali Abdi and Reuters, "Somali parliament relocated," *The Standard*, Nairobi, 23rd February, 2006 p.23

[205] "Fighting flares up in Somalia," *The Standard*, Nairobi, 9th May, 2006 p.23

thus suffocating the interim government. In all this there was suspicion of revenge. It was Abdullahi Yusuf and the SRRC that frustrated the government of Abdikassim Salaat. Now, the *Eeyr*, Abdikassim Salaat's clan, supported with Islamists suffocated the government of Abdullahi. Analysts with this view see revenge as the explanation for the events that followed the relocation of the Transitional Federal Government.

The call for the two sides to negotiate has continued to attract support from the international community. Meanwhile as the government fought within its rank a new force emerged from the Islamists. [206]They were essentially religious leaders who had filled the vacuum of a collapsed judicial system. They solved disputes between families and even business people in Mogadishu. After sometime the group wielded much power that it craved for political power. The agreement signed in Yemen between the president and the Speaker brought to rest the division within parliament but this was too late because the government had to contend with the Islamists who were expanding their territorial gains. A negotiated deal between the government and Islamists did not hold at all. After signing the Ceasefire Agreement in Sudan the newfound venue for Somalia negotiations, the Islamists pushed closer to Baidoa thus prompting panic within the Transitional Federal Government which called on its ally Ethiopia.[207] The latter responded sending in their troops to Somalia and very quickly rooted out the Islamists. The issue of Ethiopia haunted talks going on in Sudan. [208] Indeed, the rejection of foreign external troops by Somalis was on the basis of locking out Ethiopians who insisted that the peace mission had to include them.[209]

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[206] Ibid
[207] "Somalia braces for war," *The Sunday Standard*, Nairobi, 23 rd July, 2006 p. 26
[208] "Now Somali Government boycotts talks", *The Saturday Standard, Nairobi*, 5th September, 2006
[209] Interview with Mohamed Awil, Member of the Diaspora in the Somali peace talks, 14th March, 2004

The President dissolved the government after a wave of resignations, it was expected that Ali Gedi the Prime Minister would survive the vote of no confidence and appoint a new government.[210] Although the Transitional Federal Government tried to reach out for the Islamists after the vote of no confidence, that effort remained unfruitful. The Islamists had the ambition of leading and were unwilling to be in a coalition. Prime Minister reconstituted the government after surviving a vote of no confidence seen by analysts as a move to create room for the Islamic militias. This was tricky since the president could not do away with Ethiopian troops; a precondition by the Islamists for negotiations.

6.9 Conclusion

Having examined the process of the negotiations during the committee stage this chapter looked at the negotiations during the plenary with a view to determine the actual solutions that the parties arrived at. It established that the negotiations were once again marred by both internal and external differences. While the issues could have been easily resolved if the Somalis embraced dialogue and there was little interference from allies and patrons.

The biggest contributing factor to the failed dialogue was the interests of the TNG and SRRC personified in Abdikassim and Abdullahi Yusuf. Constantly the calculations made to gain numbers by these individuals in order to ascend the presidency marred the 4.5 formula to create fair deal. Within IGAD TC/IFC also similar calculations by Djibouti and Ethiopia resulted in bad decision making or lack of the same. This prolonged the process unnecessarily and bringing to bear short measures that would fix the problems faced. The quick fix solution eventually undermined the very objectives of the process. It also led to an outcome that would not last long enough to restore stability to the Somali people.

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[210] "Somalia PM is reappointed," The Standard, Nairobi, 15th December, 2004 p.16

CHAPTER SEVEN

AN ANALYSIS OF NEGOTIATIONS IN THE SOMALIA NATIONAL
RECONCILIATION CONFERENCE

7.1 Introduction

The previous chapter discussed the mediation process. It examined how IGAD, TC/IFC operated as a mediation team. This chapter is a critical overview of the whole process in relation to the assumptions proposed at the beginning. The main focus is therefore a review the multiparty IGAD led mediation process. The chapter proceeds by examining all the other chapters in order to understand how they informed and influenced the IGAD led processes of negotiation. In its discussions the chapter uses both theory and practice of negotiation and mediation in order to set a basis for study findings. What is revealed is important for this study.

To begin with the chapter looks at the sources and causes of the Somalia conflict as the starting point before proceeding to review the negotiations and mediation during the process of Somalia National Reconciliation Conference in Kenya. In analyzing the pre-negotiation, negotiation and mediation stages the objective is to understand the processes and test their efficacy viz a viz the results obtained. Lastly the question of what was done right and what was done wrong calls for answers.

7.2 Overview of the Sources and Causes of the Somalia Conflict

The distinction between sources and causes of conflict is pegged on the question of time. While sources are long term on the one hand, causes on the other are attributed to short term factors. Additionally, the distinction encompasses a broader or narrower understanding of the two terminologies. Whereas sources are broader and encompass more issues, causes may be

associated with a narrower view that examines only the immediate factors. It follows therefore that causes actually aggravate the sources of conflict.[1] Broadly speaking very few contemporary conflicts can be adequately addressed without attention being paid to both. This analysis cautions against rushing for quick fixes while glossing over sources of the conflict.[2] In most cases, outcomes failures is associated with the inability to address sources which in the long run become the most dominant obstacle to long term peace.[3] Whereas outcomes that ignore sources of conflict can only lead to conflict settlement, those that do address them may lead to resolution.

The distinction between resolution and a settlement has implications for not only the management of conflict but also the nature of peace. Whereas a resolution implies a long term solution, a settlement is short term.[4] The relationship between settlement and resolution of conflict is derived from the methodology. Whereas settlements rely on power, resolutions negate it.[5] A conflict settlement thus addresses causes; but a resolution on the other hand deals with the underlying factors behind the conflict. In terms of outcome a resolution is more permanent and a settlement is temporary. At the beginning of the Somali peace process the goal was to search for a long term solution to the conflict, however, later this goal shifted to the formation of government. This change of goals came after the troika's visit to Somalia. Their call for any outcome in Somalia marked the turning point.[6] In terms of management, the first implication of this change was to ignore the sources of the conflict and address the causes. The other and a more graver implication was that the methodology to the solution shifted to a power based approach as opposed to a non power based one. Whereas a non power based approach involves

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[1] Ibid
[2] See Chapter Six
[3] See Chapter Two
[4] Refer to Chapter Three for a detailed explanation
[5] Makumi Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi: CCR Publication, 2006) p.38
[6] See Chapter Five for a detailed discussion

the parties to the conflict in the search for a solution the power based approach does not. In this regard it led to an outcome that was inappropriate Somalia.

Taken together the findings of this chapter suggest that very few contemporary conflicts can adequately be explained by one cause, rather there are a several factors that interact together to cause them. For Berdal and Malone [7] the debate on greed and grievances forms a basis to explain the causes of contemporary conflicts. Whereas traditional literature views grievance as the main source of conflicts, current literature on the contrary argues in favour of greed. From the latter understanding, conflicts occur when grievances are articulated by leaders.[8] However, another view outside this thinking, argues that people galvanized by a problem and what they may lack is leadership. Whereas in the first case there is need for a charismatic leader, the contrary situation is true for second. In this sense, therefore resources catapult people into leadership. The explanation is informed by the belief that leaders already galvanized groups based on deprivation.[9]

In Somali the latter condition is applicable. Leaders who emerged did little to rally the people rather; they provided direction and resources as is evident from the list of the factions.[10] However, groups galvanized on the basis of deprivation have the disadvantage of continuous fragmentation, as a result of greed.[11] Those in leadership are unable to ensure that all their followers are satisfied. In this case, Somali factions continued fragmenting giving rise to leadership crisis. This had a far reaching implication for the management of the peace process. It

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[7] See Mats Bedal and David M. Malone (eds) *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynn Rienner, 2000) p.ch 2, Jeremy Lind and Kathryn Sturman(eds) *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Pretoria: Institute of Security Studies, 2002) and see also chapter Two

[8] I.W. Zartman, "Sources and Settlement of Ethnic Conflicts: Mediating Conflicts of Need, Greed and Creed," *Orbis* 44 (2) (2000) pp 142

[9] Ibid

[10] See the IGAD list of faction leaders in Somalia. *Document of the Somalia National Reconciliation Conference,* Nairobi, 2002

[11] Refer to Chapter Three (new)

became tricky and almost impossible to keep abreast with changes leadership. Right after the deposition of Siad Barre in 1991, General Mohamed Aideed and Ali Mahdi emerged as the undisputed leaders, however by the 2004, there were more than 45 people contending leadership among the Somali people.[12]

The contention between the SRRC and the TNG and its ally the NSC was over who is a genuine leader.[13] This high rate of fragmentation implied that the process had to incorporate new leaders all the time in order to be all inclusive. In negotiation theory the concept of inclusivity is core pillar for success.[14] Any negotiation process that ignores this principle is bound to fail because those who are excluded are bound to undermine the outcome. Unfortunately, for the Somalia negotiations towards the end the focus shifted to the goal of obtaining any outcome. This implied that the process lost touch with the ground and by doing so excluded those who were not in Nairobi. One case in point was Bashir Rage who by late 2003 controlled Mogadishu in conjunction with Islamic court members.[15] It is this group among others who created the re-entry problem once the Transitional Federal Government (TFG) was established. The focus on outcome undermined this principle of inclusivity by ignoring rapid changes that were taking place on the ground in Somalia.[16] Above all the process missed out on the opportunity to allow Somalis to resolve their differences amicably by adopting a quick fix approach.[17] It is thus not surprising that the TFG remains a lame duck within Somalia.

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[12] See Chapter Two for details
[13] Ibid
[14] Refer to Chapter Three
[15] See Chapter Five
[16] Ibid
[17] John Prenderghast, "The Forgotten Agenda in Somalia," http://www.arlaadinet.com, accessed 7th December, 2002

7.2.1 The colonial legacy

Debate on how colonial legacy impacts on Africa today are driven by two contradictory schools of thought.[18] From a Euro-centric perspective colonialism brought lot of good however, an Afro-centric leaning towards Marxism blames colonialism for the ills faced by Africa today. In the latter's perception any good that Africa gained from colonialism is accidental.[19] For example the greatest problems of Africa are traced to the colonial policy of divide and rule. The implementation of this policy created two distinct groups of Africans, the privileged and the marginalized. For instance in Uganda the Buganda and their king got privileges while the Acholi and other groups in northern Uganda were marginalized. Similarly the Ibo of Nigeria, Tutsi of Rwanda and Katangese of Congo were all privileged but their counterparts the Hausa and Fulani in Nigeria, the Hutu in Rwanda and the Bacongo in DR Congo were marginalized.[20] Whereas the privileged groups enjoyed access to social amenities like education, modern economy and infrastructure the marginalized did not. However, those marginalized also enjoyed dominance in the armed forces. In essence two centers of power emerged, while one prided itself in economic prowess, the other relied on military might.

In terms of perception the two centers had the implication of creating two different groups of Africans. One viewed itself as the warrior class and the other as progressive. The latter benefitting from the white man's education thought itself "civilization," but considered its opponents as barbaric.[21] This structural differentiation helped the colonialists to rule Africa. Just in case the economic zones were becoming defiant the armed groups would be used wipe them out, in the same vein if the armed groups proved difficult it is the economic center that would be

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[18] See Chapter Two
[19] See Chapter Three for a detailed analysis
[20] For detailed analysis refer to Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda* (Princeton: Princeton University Press, 1999) p. 25
[21] Ibid

used to starve them to death. In this regard the colonial powers were able to maintain a perfect balance in the system and thus avoid any threats. However, in the long term the system became a recipe for conflicts.

For instance, in Somalia two patterns of differentiation were used within the framework of 'divide and rule'. Both the dual colonial and the privileges system were put in place. The dual colonial system divided the Somali people between two or more colonial settings. This kind of differentiation weakened the Somali capacity through fragmentation. Its impact therefore was to disable any uprising within the colonial territory. However it is important to note that the system works only works if the divisive mechanism is embraced by the locals and the propaganda it is based on is upheld. In Sudan for instance, while the south was British, the north had Egypto-Arab influence.[22] Somalia was worse because it was divided into Italian, French, Ethiopian and British territories.[23] Despite vast differences in administrative styles the British and Italian territories merged at independence to created the Republic of Somalia.[24] The merger was not based on reality but sentimental jingoism for a Greater Somalia. It is not surprising that the union collapsed and Somaliland is seeking recognition as an independent state. Wars like Biafra, the genocide in Rwanda, northern Uganda, Sudan's north-south are informed by ethnic differentiation and the dual colonial systems. The two parts of Somalia could not really work together as one. In spite of the sentiments that led to the unity accord in 1960 the two parts remain different. Immediately after independence junior British trained soldiers refused to accept an Italian officer to take over command of their unit; this event is a pointer to the deep divisions

[22] Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Carrey, 2003) pp. 4-11
[23] I.M. Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa* 4th edition(Oxford: James Carrey, 2002) pp. 40-62
[24] Ibid pp. 161-165

that exist.[25] The other basis of differentiation was not primarily ethnic but clan. During the colonial period in Somalia, the *Darood* especially the *Majertan* were got education from the Italians.[26] The latter were viewed as collaborators and this was reflected after independence as the *Darood* took most leadership positions.[27] However, it is important to point out that unlike other African countries where ethnicity manifested itself within tribal affiliations in Somalia the case was different because it is clannism that stood.[28] This mistake was replicated by the first governments and the regime when both entrench more clan based privileges.[29]

To explain this there is need at this moment to draw a distinction between top-down and bottom up violence. Whereas top-down violence is driven by greed the bottom-up violence comes from grievance factors. While grievances would largely constitute the underlying sources of the conflict greed seems to be responsible for proximate and trigger causes.[30] Intractability of conflict is a result of underlying reasons. These sources of conflict are associated with structures and the fabric of society. It is these that become responsible for tensions between different groups. They can be viewed as the long term reasons that constitute an ever present threat to peace and are not easy to resolve. These sources inform positions that are taken by the parties when they are negotiating and they complicate and make difficult the process of negotiating. However, although underlying sources do not cause conflict on their own they make its resolution complex. Conflict management strategies that do not address the underlying sources

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[25] See Chapter Two

[26] Saadia Touval, *Somali Nationalism: International, Politics and the Drive for Unity in the Horn of Africa* (Cambridge: Harvard University Press, 1963) pp. 52-59

[27] See an analysis in Chapter Two

[28] Saadia Touval, *Somali Nationalism: International, Politics and the Drive for Unity in the Horn of Africa* op.cit. pp. 52-59

[29] Aves O. Hagi & Abdiwahid O. Hagi, *Clans, sub clans and Regional Representation in the Somali Government Organization, 1960-1990: Statistical Data and Findings*

[30] Michael Brown, "Causes and Implications of Ethnic Conflict," in Michael E. Brown (ed) *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993) pp. 4-5

are ineffective in bringing about a long lasting solution.[31]   In Somalia one of the underlying

sources of conflict is the issue of clans. Clan loyalty is important for local survival since it is the

means to negotiate individual and group rights.[32] During the civil wars clans became the rallying

point that galvanized people. Other clans even went deeper and created sub clan enclaves on

which militia forces were based. Clan and sub clan animosity is embedded into Somali culture.

This continues to date (though not directly) to affect the war. This means that any approach given

to the Somalia conflict should take into consideration belief that the conflict is based on deep

clan divisions and must expunge the myth that the Somalis are homogenous. Without addressing

these differences and holding onto the illusion that Somalis are homogenous creates solutions

that may not be practicable on the ground.

Like other dictators Barre centralized power. Starting with banning of political parties,

and suspending the constitution, Barre soon transferred the judicial, legislative and executive

authority to himself.[33] In the end centralization resulted in the alienation of all other Somali clans

except *Marehan, Dulbahante* and *Ogaden*.[34] This situation aggravated clan consciousness among

the *Hawiye, Darood,* and *Dir*. Despite ganging up against the regime of Barre the opposition

remained weak until the Cold War period. During the Cold War many African states including

Somalia were considered geopolitically strategic and their leaders were propped up and

supported by the superpowers without consideration of internal weaknesses.[35]

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[31] J. Rothman, "Developing Pre-negotiation Theory and Practice," Policy Studies, No. 29 (1989) Jerusalem: Leonard Davis Institute for International Relationship, The Hebrew University of Jerusalem

[32] See Jeremy Lind and Kathryn Sturman (eds) *The Ecology of Africa's Conflicts* op.cit pp. 321, 331-333

[33] See Chapter Two

[34] See Aves O. Hagi & Abdiwahid O. Hagi, Clan, *Sub Clan and Regional Representation in Somali Government Organization 1960-1990: Statistical Data and Findings* op.cit

[35] See Anna Simons, "Somalia: The Structure of Dissolution," in Leonardo A. Villalon and P.H. Huxtable (eds) *The African State at A Critical Juncture: Between Disintegration and Reconfiguration* (Boulder: Lynne Reinner, 1998) pp 59-60

In the post Cold War period, however, a New World Order based on promotion of liberal Democracy, market economy emerged.[36] The agenda of the New World emphasized accountability and transparency.[37] Whereas dictators during the Cold War period usually counted on the support of their superpowers patrons, in the post Cold War period this support was not forthcoming.[38] With diminished privileges the leaders were forced into negotiating with citizens. Besides exposing weaknesses and failure of nation building there is realization that African states during the period were held together by military might and fear.[39] Holsti[40] among others notes, in this case leaders lack legitimacy, and the efficacy of the state becomes the locale for internal combats. Similarly, Reno and Ayoob[41] link the causes of violence to this fundamental disorder. Lack of legitimate authority thus precipitated internal strife. Rather than reform the state and attain a measure of domestic legitimacy the dictators during the Cold War engaged in tactics of oppression similar to the ones used by the colonial masters. But oppression

[36] Olusegun Obasanjo, "A Balance Sheet of the African Region and the Cold War," in E.D. Keller and D. Rothschild (eds) *Africa In the New International Order: Rethinking State Sovereignty and Regional Security* op cit.pp.20-23

[37] Robert O Keohane, "Hobbe's Dilemma & Institutional Change in World Politics: Sovereignty in International Society," in Hans-Henrick Holm and Georg Sorenson (eds) *Whose World Order: Uneven, Globalization and the End of the Cold War* (Summer town: West view Press, 1995) p 165-166, Seyoun Brown, *New Forces Old Forces: And the Features of World Politics , Post Cold War Edition* (New York: Harper Collins, 1995) pp 119-122 see also Francis Deng et al, *Sovereignty A Responsibility: Conflict Management in Africa* (Washington DC: Brookings Institution, 1996) pp 168-171

[38] See Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (New York: Cambridge University Press, 1990)

[39] See Anna Simons, "Somalia: The Structure of Dissolution," in Leonardo A. Villalon and P.H. Huxtable (eds) *The African State at A Critical Juncture: Between Disintegration and Reconfiguration* op.cit.pp. 59-60

[40] See Kalevi Holsti, *The State, War and the State of War* (New York: Cambridge University Press, 1996) p 40 and Mohamed Ayoob, "Subaltern Realism: International Relations Theory Meets the Third World." in Stephanie Neuman (ed) *International Relations Theory and the Third World* (New York: St. Martins, 1998) p 42

[41] See Mohamed Ayoob, "State Making, State Breaking, and State Failure," in Crocker, Hampson, and Aall (eds) *Turbulent Peace: The Challenges of Managing International Conflict* (Washington DC: US Institute of Peace Press, 2001) pp.143-162; also William Reno, *Corruption, and State Politics in Sierra Leone* (Cambridge: Cambridge University Press, 1995) and David Keen, *Economics of Violence. Adelphi Paper* no. 320 (London: Oxford University Press, 1998) p.11

failed in the post Cold War period. One by one the dictators in Africa began to fall and Siad Barre followed suit in 1991.[42]

7.3 Structures within the SNRC

Although, international peace and security is the prerogative of the international community through the United Nations, more increasingly this role is being delegated to regional organizations.[43] One of the main features of mediation today is the availability of a great many bodies, including universal organizations such as the United Nations and regional organizations.[44] The management of conflicts is meant to be by peaceful means. According to the UN Charter the peaceful modes of conflict management are listed as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and regional agencies.[45]

The UN record in international conflict management shows two contradictory views. Whereas the first picture is a success story the second is the opposite. The supporters of this view contend that in the last fifty or so years the UN has prevented a major international conflict. In contrast the other held portrays the UN as a toothless dog whose capacity is inhibited by international politics. Within this last perception the UN's involvement was undermined by the Cold War politics and in the post-Cold War period by the unilateral influence of the United States. The death of the 18 marines in Mogadishu led to the withdrawal of the USA and UN forces at the behest of the USA. In spite of the UN consequently shying away from internal

[42] See Chapter Two
[43] Adams Roberts, "The United Nations and International Security," in Michael E Brown (ed) *Ethnic Conflict and International Security* (New Jersey: Princeton University Press, 1993) pp.208-212
[44] Louis Kriesberg, "Varieties of Mediating Activities and Mediators in International Relations," in Jacob Bercovitch (ed) *Resolving International Conflicts: Theory and Practice of Mediation* (Boulder: Lynne Rienner,1996) pp.219-221
[45] Refer to Article 33(1) of the United Nations' Charter; see also Article 2(4) which negates the use of force.

conflicts it delegated its role to sub regional organizations.[46] ECOWAS set the precedent in this new order approach to international peace and security.[47] The fourteenth initiative in Somalia was led by IGAD as a sub regional organization in the Horn of Africa. IGAD's mandate therefore was delegated under chapter VIII of the UN Charter.[48] IGAD's participation was in the form of multiparty simultaneous mediation. This essentially means that there were several mediators acting at the same time.[49]

On the one hand simultaneous mediation can be coordinated or uncoordinated. Coordination within IGAD required not only the policy level but also other organs. Apart from this coordination was also necessary between the different member states in terms of their divergent interests. At policy making level coordination should have been within the summit and the council of ministers. Whereas the highest organ of IGAD comprised heads of states and government of the member states, below this summit is the IGAD council of foreign affairs ministers. The two were the decision making organs of the institution. Although the IGAD Secretariat in Djibouti ordinarily, is the implementing arm and runs the day today activities on behalf of member states, the intervention in the Somalia conflict necessitated the creation of new institutions. In this regard IGAD the TC later renamed IFC comprising special envoys and a secretariat to run the day to day aspects of the peace talks. Originally the TC comprised the three special envoys of the Frontline states, Djibouti, Ethiopia and Kenya; however, the10th IGAD summit replaced it with an all IGAD member IFC.[50] From coordination perspective both the TC and IFC were affected by different interests of the member states. The different undermined not

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[46] See Chester Crocker et al, *Herding Cats: Multiparty Mediation in Complex World* (Washington DC: United States Institute of Peace Press, 1999), and also I.W. Zartman, Daniel Druckman, Lloyd Jensen, Dean Pruitt and Peyton Young, "Negotiation is a Search for Justice," *International Negotiation* 1(1996) pp 79-98
[47] See the ECOWAS intervention in Liberia for details
[48] Refer to the UN Charter, chapter VIII, Arti. (52), (53) and (54)
[49] G.R. Berridge, *Diplomacy: Theory and Practice*, op.cit. p. 202
[x] See details in Chapter Three

only the TC/IFC but also the role IGAD in reconciling the Somalis.[51] The lack of coordination had implication for the peace process. For instance, whereas, Ethiopia's Prime Minister and the Djibouti president expected different outcome from the negotiations, Kenya and Uganda on the other hand were competing for regional supremacy.

Museveni, banked on his experience and connections both within and outside the region to ensure regional leadership supremacy while Kenya resorted to its economic power. However, although Kibaki being relatively new in office and with bad health focused more on internal issues, Kenya's position in the process remained strong on the basis of resources. Eritrea also had issues with Ethiopia derived from their disputed border problem. All in all the differences reflected in the council of foreign ministers where Ethiopian Foreign Minister Seyoun Mesfin and his Djiboutian counterpart Omar expressed different perceptions and policy on issues like the nature of government in Somalia and DDR. The struggle also boiled down to who should take key offices in government. These disagreements not only delayed decisions but at times affected the nature of decisions taken. Most of the time these differences trickled down to the Somalis giving rise to deadlocks followed by stalemates. The numerous deadlocks and stalemates called for skilled mediation.

7.3.1 The Leaders Committee

The leaders committee comprising Somali faction leaders originally helped to avert deadlocks and stalemates. Indeed it is such crisis of that led to its creation in the first place.[52] It emerged as organ for reaching consensus among the leaders on contentious issues.[53] At the very beginning the committee played a crucial role in negotiating the issue of delegate numbers,

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[1] Refer to Chapter Six
[52] Refer to Chapter Three
[53] See Chapter Four

Declaration on Cessation of Hostilities and the question of ownership of the process.[54] As a forum the leaders committee created an opportunity for consultation, discussion and caucusing thus narrowing differences and even striking deals before coming to the wider audience. The committee was thus a crucial structure in decisions making among the Somalis. Surprisingly instead of maintaining the forum the new chair to the TC/IFC began the process of weakening the committee after disagreements over the charter before eventually doing away with it totally.[55] In its place a new outfit of a few individual Somali leaders emerged and formed the chairman's kitchen cabinet. The result of this was divisions among the Somalis.[56] The loss of the leaders committee directly contributed to deadlocks and stalemates. Mwagiru[57] points out that when leaders are exposed to conflict audience and constituents' compromises become very difficult to realize, instead each leader defended the position taken. A compromise in public eye is often interpreted as a weakness or betrayal. Since no leader wants to be thought weak or perceived as a traitor they do not compromise.

Pressure from the audience hardens positions and makes negotiations difficult. It is not surprising that during the new TC/IFC chairman's tenure the number and intensity of deadlocks and stalemates increased. For example none of the leaders relented on the issue of DDR. [58] Druckman[59] points out that by leaving aside the resolution of issues, in favor of a quick fix outcome, a peace process squanders the opportunity that would have ensured a more lasting solution. The facilitation committee did this by changing the script from one of negotiation and

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[54] Ibid
[55] Refer to Chapter Five for details
[56] Ibid
[57] A detailed analysis is found in details Makumi Mwagiru, *Conflict: Process, Theory and Institutions of Management* (Nairobi: Watermark publishers, 2000)
[58] See Chapter Six
[59] Daniel Druckman, "Negotiation," in Sandra Cheldelin, Daniel Druckman and Larissa Fast (eds) *Conflict: From Analysis to Intervention* 2nd edition (New York: Continuum, 2008) p. 265

reconciliation to government formation and also resorted to short cuts and new diplomacy to secure the outcome by all means.[60] The result was a flawed process that led to a failed solution.

7.3.2 The IGAD Partners Forum and Kenyan Ministries

Along sides its structures IGAD had another forum (IGAD Partners Forum) comprising different countries and institutions with an interest in the outcome of the Somali conflict.[61] Members of this body included institutions like the African Union, the European Union, the Arab League, NGOs and individual countries like Britain, Sweden, Italy, China and the USA.[62] The mandate of this forum was to fund the peace process and act as observers,[63] however later it turned out into a decision making organ after merging with the IFC during the Safari Park talks.[64] Although, hailed at first as strengthening the IFC the move eventually negatively undermined decision making within the IFC. For instance the donors tied funding to results, a move that forced the IFC to change the process from focusing on negotiation and reconciliation of the Somalis to formation of government.

Considering that their interest was in any outcome they rushed the process towards the formation of a Somali government but ignored important activities like reconciliation. Whenever there was a deadlock the forum would impose a decision on the way forward, rather than deal with the reasons address the deadlock or stalemate. In this sense the process hurried to create a government and ignored negotiation and reconciliation. The quick fix mentality worked short cuts but inhibited the seeking of a comprehensive agreement that would have addressed different aspects of the Somali problem. This contributed directly to the eventual failure at problems that arose during the implementation stage.

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[60] Refer to Chapters Five and Six
[61] "IGAD Cooperating Partners," IGAD News Issue, 1(2002)
[62] Ibid
[63] Ibid
[64] Refer to Chapter Five

Despite the intention to delink the process from the ministry thus allowing for flexibility and independence of the negotiations, the process eventually was attached first to the Ministry of Foreign Affairs and later the Ministry of East Africa and Regional Cooperation before reverting back again to the former.[65] The resulting confusion led to tensions between the two ministries in terms of protocol and operation. Although the terms of reference for the East Africa and Regional Cooperation were unclear as far as the housing of the process the end result was unnecessary competition and duplication. The impact of this on the process was negative. For one it led to a high staff turnover which affected continuity and history of the process. Above all no ministry is equipped for tasks like negotiation and mediation. The primary mandate of any ministry is about delivering government services to its citizens.[66] This mandate considered none was willing to release the best personnel to the peace process.[67] As stated earlier the ministries never seconded the best manpower to the process but rather released junior or none performers.

These officials not only lacked basic skills in negotiations but were equally ignorant about Somalia.[68] Because of this failure combined with idiosyncratic factors, the chairman took over all the tasks ranging from being chief mediator, fund raiser to dealing with hotel bills. In this regard he became distracted from the primary task of facilitation and mediation.[69] Instead the chairman spent a lot of energy dealing with daily administrative duties relating to the process which would usually be performed by other officers. Yet, this was at a crucial moment when the process required focus on mediation. Critical to this analysis is that the Djiboutian and Ethiopian special envoys remained focused on the mediation while the chief mediator performed administrative duties. The implication of this to the negotiations is that slowly Kenya began to be

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[65] See Chapter Four

[66] Interview with Amb. John Lanyasunya, Second Coordinator of the Somali National Reconciliation Process, Nairobi, 3rd February, 2010

[67] Ibid

[68] See Chapter Five

[69] Ibid

edged out by the two. The result was that the two entrenched themselves and their national interests at the expense of the Somalis and Kenya. The Somali interpretation of the situation was that Kenya was deliberately betraying them. This had the consequence that slowly they began to lose trust in Kenya's commitment to the realization of peace in Somalia.

7.4 Pre-negotiations

Pre-negotiation is viewed in modern negotiation process as the stage preceding the round table talks. For Saunders it contributes significantly to the actual negotiations process.[70] For Zartman[71] although this stage comes before, it clears many obstacles to the negotiation. The pre-negotiation prepares the parties for the actual negotiations.[72] If the parties are successful during the pre-negotiation then the chances of the negotiations proceeding well are higher, on the contrary, if the pre-negotiation fail then the failure can also translate to a failed negotiation process.[73] The pre negotiation stage among the Somalis was marked by a lot of difficulties and controversies that could shed light on the difficulties that were experienced during the negotiation process. Closely related to the pre- negotiation stage are a set of circumstances which are thought to help to determine the right moment to start negotiations or intervention by a third party. The ripe moment is defined as those conditions that create suitable circumstances for the resolution of the conflict either through mediation or negotiated agreement.

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[70] Harold. H. Saunders, "We Need a Larger Theory of Negotiation: The importance of Pre-Negotiation Phases," *Negotiation Journal*, vol.1 (1985) pp. 249-262

[71] See I.W. Zartman, "Ripening Conflict, Ripe Moment, Formula and Mediation," in D. B. Bendahamane &J.W. McDonald (eds) *Perspectives on Negotiations: Four Case Studies and Interpretations* (Washington: Foreign Service Institute, 1986) pp. 205-227

[72] Harold. H. Saunders, "We Need a Larger Theory of Negotiation: The importance of Pre-Negotiation Phases," op.cit. pp. 249-262

[73] Ibid

7.4.1 Ripe Moment and Readiness in Pre-Negotiations

The idea of there being a set of appropriate conditions for the successful launching of peace initiatives in protracted and intractable conflicts has led to thinking, analysis, and research into what those conditions might be and whether ripeness is an operationalizable concept recognizable in the real world and hence useful for empirical research. Despite the relatively simple idea behind ripeness, substantial disagreement remains within the literature regarding what precisely a ripe moment is and whether the concept has any empirical or substantive utility.[74] The scholarly literature on ripeness can be divided roughly into three broad groups. The first group views ripeness in terms of temporal factors related to when in the life cycle of a conflict mediation is attempted.[75] The second group conceives of ripeness in terms of contextual factors related to the conflict and the relationship between the parties.[76] The final group questions the general utility of ripeness as a concept. Even within these broad groupings, however, there are several other areas of disagreement regarding issues relevant to ripeness.

However, one key area that the literature totally ignores is the issues of ripeness in relations to readiness. Readiness is important especially when considering that there will be resources expended and time involved when a third party intervenes.[77] Readiness is also important in another way in terms of willingness and cooperation in view of group intervention strategies. The idea of ripeness for international mediation is one that has appealed to both scholars and practitioners alike. The two quotations underscore the importance of timing for

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[74] I.W. Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," in John Darby and Roger Mac Ginty, *Contemporary Peacemaking: Conflict, Peace Processes and Post- War Reconstruction* 2nd edition (New York: Palgrave Macmillan, 2008) pp.22-25

[75] Ibid

[76] Ibid

[77] Bertram I. Spector, "Negotiation Readiness in the Development Context: Adding Capacity to Ripeness," Paper presented at the annual conference of International Studies Association, Minneapolis, 19th March, 1998, see also Dean G. Pruitt, "Whither Ripeness: Theory?" *Working Paper*, No.25 (2005) Institute for Conflict Resolution George Mason University, Fairfax

efforts at conflict management. This suggests that poorly timed efforts are likely to be wasteful and are unlikely to be productive. Yet, despite the intuitive appeal of the idea of ripeness for international mediation and the embrace of the concept among policymakers and scholars alike, the terms remains unclear in terms of factors that promote ripeness for mediation success.

Within the scholarly literature, ripe moments of conflicts are commonly conceived of as periods of time under which conflict management is most likely to occur and lead to maximum results. Although ripeness is typically treated as a discrete variable, in actuality ripeness is better ·thought of as part of a continuum. Less ripe periods are less likely to result in unsuccessful mediation; more ripe periods are more likely to result in successful mediation. Indeed, only on rare occasions is a period sufficiently ripe that mediation success is virtually guaranteed or sufficiently unripe that mediation failure is virtually certain.[78] Different views inform this debate. Edmead,[79] for example, argues that mediation is most likely to be successful if attempted early in a conflict. The argument is that early mediation in a conflict comes before significant violence takes place, meaning that the parties have not hardened their positions and reduced the chances of compromise. In this way, mediation could be tied to an early warning system in which intervention occurs before conflict grows out of control.

The Somalia conflict however, was in its fourteenth year and therefore early intervention would not have been a strategy. On the contrary positions had hardened rendering the situation tricky.[80] A second view rejects mediating early and suggests instead that mediation is more likely to be successful later in the lifetime of the conflict.[81] Only following repeated interactions can

[a] Louise Kriesberg, *International Conflict Resolution* (New Haven: Yale University, 1992)
[b] A useful framework is found in Frank Edmead, *Analysis and Prediction in International Mediation* (New York: UNITAR,1971)
[c] Refer to Chapter Five for a detailed analysis
[d] Some key ideas can be found in Dean Pruitt *Negotiation Behavior* (New York: Academic Press, 1981)

both parties realize the need for compromise and third-party intervention Bercovitch[82] in support of this view points out that mediation is most likely to be successful after a "test of strength" between the parties. Understanding the conditions that are most favorable for successful mediation is important from both a theoretical and a policy standpoint. Beyond improving the prospects for mediation success, a better understanding of ripeness for international mediation may actually prevent the deterioration of relations between conflicting parties.[83]

7.4.2 Ripeness as a Concept of Conflict

Zartman's[84] conception of ripeness moves away from focusing on time toward a more process-oriented approach. Rather than portraying ripeness as a function of time or the stages of a dispute, Zartman[85] describes ripeness as a feature of the dispute itself. In these ripe moments, the disputants are locked in a mutual "hurting stalemate" in which unilateral solutions become blocked and joint solutions become more possible. Disputants realize after sometime that they have either reached a plateau in which neither side is able to achieve its aims, resolve the problem, or win the conflict by itself, or they have reached a precipice in which both disputants recognize that events will quickly deteriorate if no solution is reached. Haas[86] expands Zartman's definition of ripeness by stressing the importance of leadership strength in creating ripeness for mediation. He argues that for ripe moments to occur leaders must be sufficiently strong to permit compromise or sufficiently weak to be forced to embrace compromise.

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[82] See Jacob Bercovitch, *Social Conflicts and Third Parties: Strategies of Conflict Resolution* (Boulder: West view, 1984)
[83] Michael John Greig, "Movements of Opportunity," *Journal of Conflict Resolution*, vol .45 no. 6(2001) pp.69-71
[84] I.W. Zartman, *Ripe for Resolution: Conflict Intervention in Africa* (New York: Oxford University Press, 1985)
[85] Ibid
[86] Richard Haas *Conflicts Unending: The US and Regional Disputes* (New Haven: Princeton University Press, 1990), pp. see also I.W. Zartman, *Ripe for Resolution: Conflict Intervention if Africa*, op.cit.

In his study of mediation in Zimbabwe, Stedman[87] further extends the notion of ripeness as a function of the dispute and the disputants by challenging the unitary actor assumption that both Haas[88] and Zartman[89] accept. For Stedman, ripe moments can also result from internal changes that occur because of bargaining between domestic factions within disputing states. These internal changes may make disputants more likely to accept mediation and adopt more conciliatory strategies.[90] Kriesberg[91] on his part emphasizes the importance of domestic factors in mediation success, arguing that ripeness can result from domestic pressures that forces leaders to adopt more conciliatory behavior. Similarly, Bercovitch[92] adds that ripe moments can only occur when there is sufficient internal organization within disputing states to permit mediation and compromise. Factors external to the disputants are also associated with ripe moments for mediation.

Hopmann[93] and Kriesberg[94], while generally accepting the conception of ripeness described by Haas, both stress the importance of the international context in creating ripe moments for mediation. The international context can determine the availability of a suitable mediator to assist the disputants. In addition, because many rivalries are linked to one another, improvements in the relations between two linked rivalries are likely to create ripe moments for mediation in the other linked rivalries especially in view of internationalized conflicts. Pruitt suggests an interesting refinement of Zartman's original concept of "ripeness" taking into

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[87] See S. J. Stedman, *Peacemaking in Civil Wars: International Mediation in Zimbabwe, 1974-80* (Boulder: Lynne Reinner, 1991)

[88] Richard Haas *Conflicts Unending: The US and Regional Disputes* (New Haven: Princeton University Press, 1990)

[89] I.W. Zartman, *Ripe for Resolution: Conflict Intervention in Africa* op.cit

[90] Ibid

[91] See Louis Kreisberg, *International Conflict Resolution* (New Haven: Princeton University Press,1992)

[92] Jacob Bercovitch 'Mediation in International Conflict: An Overview of Theory, A Review of Practice," in I.W. Zartman and J.L. Rasmussen (eds) *Peacemaking in International Conflict: Methods and Techniques* (Washington DC. United States Institute for Peace,1997)

[93] see Terrence P. Hopmann *The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina Press, 1996)

[94] See Loius Kriesberg *International Conflict Resolution* op.cit

account the regional and international dimensions of conflict. He poses the alternative of "readiness" as an approach offering more explanatory and predictive power, given that it focuses on reasons other than pain and cost that might motivate leaders and decision makers to think of alternatives to ending a conflict through violence.[95]

7.4.3 Linking Ripeness and Readiness in Conflicts

Pruitt[96] among other scholars suggest that leaders' optimism also play a role in decisions to take up negotiation. Within the readiness idea optimism seems to influence readiness. For example the Israeli Premier Rabin felt optimistic enough to send negotiators/diplomats to talks with Palestinians and was keen on the developments.[97] The "readiness theory," argues that an actor's readiness for conflict resolution is a function of both motivation to end the conflict and optimism about the success of negotiation. In a statement of this theory, Zartman[98] identifies two conditions necessary, though not sufficient, for negotiation. First a mutually hurting stalemate where both parties realize they are in a costly deadlock that they cannot escape by escalating the conflict. Such a stalemate is especially motivating if aggravated by a recent or impending catastrophe. Secondly a mutually perceived way out in which both sides foresee that "a negotiated solution is possible,"[99] that a formula can be found that is "just and satisfactory to both parties. [100]

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[95] Christopher Mitchell, "Introduction," in Dean G. Pruitt, "Whither Ripeness: Theory?" *Working Paper*, No.25 Institute for Conflict Resolution George Mason University, Fairfax, 2005

[96] For a detailed analysis of this issue refer to Chapter Two.

[97] Thomas Perry Thornton, "Regional organizations in Conflict Management," *Annals of the American Academy of Political and Social Sciences*, no. 521(1992) pp. 132-142

Peres..1995

[98] I.W. Zartman, "Ripeness: The Hurting Stalemate and Beyond," in Paul Stern and Daniel Druckman (eds) *International Conflict Resolution After the Cold War* (Washington DC: National Academy Press, 2000) p.228

[99] I.W. Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," in John Darby and Roger Mac Ginty, *Contemporary Peacemaking: Conflict, Peace Processes and Post- war Reconstruction* 2nd edition (New York: Palgrave Macmillan, 2008) pp.22-25

[100] Saadia Touval and I.W. Zartman, "Mediation in International Conflicts," in Kenneth Kressel and Dean Pruitt (eds) *Mediation Research* (San Francisco: Jossey Bass,1989) p.291

The usefulness of this core theory is illustrated by the 1993 Oslo negotiations that led to establishment of the Palestinian Self-Government Authority.[101] Both sides were experiencing a stalemate. Israel could not reach the Palestine Liberation Organization (PLO), which was far away in Tunis, and "The PLO had been politically and economically weakened by the disintegration of the Soviet Union and by the Arab retaliation for the PLO's support of Iraq during the Gulf Crisis, curtailing its capacity to continue an effective campaign against Israel." [102] Israel was also experiencing severe costs and a sense of hopelessness in trying to contain the First Intifada.[103] The growing Hamas movement threatened to unseat the PLO as leader of the Palestinians, which would have been a catastrophe for PLO Chairman Yasser Arafat.[104] "Israel's new Prime Minister Yitzhak Rabin also feared this development and saw the possibility that a fundamentalist Palestinian leadership would unite against Israel with militant Iran or a revitalized Iraq as more threatening."[105] Memory of a recent near catastrophe—Iraqi missile attacks during the 1991 Gulf War—strengthened this concern, Rabin quickly learned that negotiations could be done only with PLO participation.[106]

However, negotiation will only start if there is some degree of readiness on both sides and some degree of ripeness. The greater the readiness and ripeness, the more likely is negotiation to occur. As readiness (or the components of readiness) becomes stronger on both sides of a conflict, negotiation is more likely to begin." Thus, readiness allows some parties to be motivated mainly by a belief that they cannot win others mainly by the cost of the conflict, and still others mainly by the risk of a future catastrophe or pressure from a powerful third party. The

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[101] Dean Pruitt "Ripe Theory and the Oslo Talks," *International Negotiation* Vol.2(1997) pp. 237-250 see also Jacob Bercovitch, P. Diehl and Garry Goertz, "The Management and Termination of Protracted Interstate Conflicts: Conceptual and Empirical Considerations," *Millennium: Journal of International Studies* 26 (1997) pp.751-769
[102] Dean Pruitt "Ripe Theory and the Oslo Talks," *International Negotiation* Vol.2(1997) p. 243
[103] K. Agerstam and C. Jonson, "(Un) ending Conflict," *Millennium*, 36, 3(1997) pp.771-794
[104] J. Corbin, *The Norway Channel* (New York: Atlantic Monthly Press, 1994)
[105] Dean Pruitt, "Ripe Theory and Oslo Talks," *International Negotiation* op.cit. p.243
[106] see D. Liberfield, *Talking with the Enemy* (New York: Praeger, 1999)

perceived infeasibility of winning was the main source of the Israeli decision to negotiate at the end of the 1973 war. The Israelis had won the war and had the Egyptian Third Army surrounded, but U.S. Secretary of State Henry Kissinger pressed them not to destroy this army.[107] This pressure meant that the Israelis could not make further military progress against the Egyptians, so they agreed to U.S. mediation. Similarly, Mugabe attended the negotiations for Zimbabwe from pressure of a crucial ally. In the case of Somalia the circumstances that brought Abdikassim Salat and Abdullahi Yusuf to the table are the same. The two valued their alliance with Djibouti and Ethiopia respectively. However unlike Mugabe other factors also played a crucial role apart from pressure on the two principals by their allies.[108]

7.4.4 Third-Party Intervention

The theory of the ripe moment informs the actual time that a mediator should intervene in conflict. From this perspective if mediators enter a conflict too early then the chances of succeeding are reduced because the parties are not ready to come to the negotiating table. Within this thinking four main kinds of ripe moments are distinguished. Zartman[109] among others discusses the mutual hurting stalemate and the mutual catastrophe. The two views are simply opposites. The main argument is that parties in a conflict sometimes reach a plateau where none is winning militarily yet the costs of the conflict continue to grow. When such a situation occurs and the parties are unable to see a victory on the horizon then it is possible they can consider coming to the table to negotiate as an alternative to the long drawn and expensive battles. In Somalia none of the factions seemed to be winning.

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[107] Edward Sheehan, "How Kissinger Did it: Step by Step in the Middle East," In Jeffrey Z. Rubin (ed) *Dynamics of Third Party Intervention* op.cit
[108] See Chapter Six
[109] For explanation refer to I. W. Zartman, *Ripe for Resolution* op.cit

Indeed heavy fighting had taken place between 1991 and 1993 thereafter the Somali parties reached a plateau. The parties were tired and willing to negotiate. IGAD used this opportunity intervene.[110] The second kind of ripe moment is the imminent mutual catastrophe. Here the parties would be willing to come to the table only when they think that there is a major catastrophe that they will affect them. Such catastrophes would be a mutual threat to both of the parties in conflict.[111] For the Somalia factions to some extent this situation applied. In Mogadishu there was constant fragmentation and new leaders were emerging as well as new militia outfits. In the Shabelle region for example power had changed hands from Shartigadud to Madobe and there was the possibility of a Hapsade to depose them as the authority in the area.[112] So both Shartugadud and Madobe quickly seized the opportunity to be involved in the negotiations rather than wait for Hapsade to displace them politically.[113] Abdullahi Yusuf had just lost an election to Jama Ali Jama and most Mogadishu warlords were uncomfortable with the rising power of Islamic court groups under Bashir Rege. It is these challenges that pushed most faction leaders to accept the alternative of coming to negotiate.

The other aspect of the ripe moment theory that can help explain readiness among the Somali is the enticing opportunity model. According to Crocker[114] leaders come to the table motivated by the fact that they see an alternative way of gaining leadership without incurring heavy costs. Unlike by war the leaders find that it is less costly to win an elected than to fight your way through especially in a situation where you reach Zartman's plateau.[115] The Somali faction leaders became motivated to come and negotiate on the basis that it was not only a

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[110] See Chapter Four
[111] I.W. Zartman *Ripe for Resolution* op .cit
[112] Interview with late General Gabyo, Somali delegate to the reconciliation, Eldoret, 23rd December, 2002
[113] See Chapter Four
[114] See analysis in Chapter Three
[115] I.W. Zartman, *Ripe for Resolution* op.cit

cheaper but also that there was no certainty that war would guarantee success. For fourteen years they had fought and no one was yet to win the war.[116]

There is a caveat here which creates the second perspective of ripeness in this case. This is closely linked to optimism. That the leaders must be convinced beyond any doubt that that they will continue to retain leadership or gain even better positions through negotiation and mediation.[117] The IGAD facilitation not only assured the leaders of retaining the positions that they already had as automatic members of parliament but also floated the possibility the presidency through an election process which the leaders viewed as easy to influence from the way it was presented. The enticement was the presidency and that attracted the principal protagonists Abdkissasim of TNG and Abdullahi Yusuf of SRRC as well as others like Hussein Aideed. Each one of them saw the possibility of manipulating the system in a way that would emerge as winners of the presidency.

The process suggested was that the faction leaders would select parliamentarians on clan basis who would comprise an electoral college to vote in the president.[118] Each of the bigwigs thus saw the perfect opportunity to influence the Electoral College and end up as president.[119] This window of opportunity created provided an equal chance for everyone to become the president and essentially enticed into the negotiation process individuals like Qanyere, Musa Sudi, Abdullahi Yusuf and Abdikassim Saalat.[120] All banked their hopes on the process to work in their favor. The other faction leaders like Mohamed Dhere, Bihi, 'Morgan, and Omar Finish,

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[116] See Chapter Two
[117] Refer to for details on "Enticement Opportunity Model," Christopher Mitchell, "The Right Moment: Notes on Four Models of "Ripeness," *Paradigms* 9, 2 (1995) pp 38-5
[118] Art.33(a) of the Transitional Federal Charter of the Republic of Somalia p.18
[119] See Chapter Five
[120] Chapter Four

Maulid Maane, Hapsade, Madhobe and even Shartigadud nursed only parliamentary ambitions seizing this chance to survive the uncertainties of everyday life in a rapidly changing war field.[121]

While this proves that the Somali conflict was ripe for resolution there are issues that are not addressed within this thinking. Events during the process beg the question of whether it is the ripe moment only that determines success. Motivation to end conflict results either from a perception that the conflict is dysfunctional or from third-party pressure. There are three ways a conflict may be seen as dysfunctional, any one or more of which may contribute to readiness: Scholars like Stedman[122] show that ripeness alone does not bring parties to negotiate successfully. He argues that much of the failure of ripeness theory comes from that fact that it could not to explain why Mugabe entered the talks despite believing that his army was winning the war for Zimbabwe's independence. Readiness theory avoids this criticism by focusing on motivation to end a conflict—rather than on hurting stalemate—and by making third-party pressure one source of this motivation.

But the theory ignores enticement which is the attraction that is at the basis of both optimism and motivation. Although Crocker[123] develops this concept he views it in terms of what the leaders anticipate to gain. However, Crocker's explanation does not use the concept to show the nexus between the motivation and the optimism that leaders get. [124] Above all these terms are applied largely to the parties in the conflict only. From the evidence gathered at the Somali Reconciliation Conference there is one level of analysis that should also be taken into account if the whole process of negotiation and mediation is to start and end up with a good sustainable

[121] Chapter Four

[122] S.J. Stedman, *Peacemaking in Civil Wars: International Mediation in Zimbabwe, 1974-1980* (Boulder: Lynn Reinner, 1991) pp. 235-241

[123] See Chester Crocker et al (eds) *Managing Global Chaos* (Washington DC: United States Institute for Peace Press, 1996)

[124] Refer to Stein Kenneth and Samuel Lewis, "Mediation in the Middle East," in Chester Crocker et al (eds) *Managing Global Chaos* (Washington DC: United States Institute for Peace Press, 1996) pp and Christopher Mitchell, "The Right Moment: Notes on Four Models of "Ripeness," *Paradigms* 9, 2 op.cit. pp 38-52

outcome. Both the region and the parties must see ripeness, be optimistic, motivated and enticed into the process by the gains anticipated. If the parties alone show these characteristics then the conflict cannot be resolved at all. From a systemic view it is argued that all actors matter whether they are considered as audiences, constituents, parties or third parties.

Readiness on the other hand is not only useful for the parties but also for understanding when and how third parties intervene in a conflict. It can be argued that readiness to intervene, like readiness to negotiate, is produced by motivation to end the conflict and by optimism about the success of negotiation. Third-party motivation to end a conflict arises from costs and risks associated with that conflict. Thus, the United States tried to mediate in the Falkland Islands crisis because the two protagonists—Britain and Argentina—were U.S. allies in the Cold War and because the United States feared for the integrity of that alliance. Third-party optimism is often based on the forces that appear to be affecting the disputants. For example, the Norwegians organized the Oslo talks when it became apparent that both sides were in a hurting stalemate and, hence, were ready to explore the possibility of negotiation.[125] IGAD too organized the Somali peace talks for similar reasons.

Somalia as IGAD member state is a threat to security in region. Two members of IGAD Kenya and Ethiopia are affected not only by refugees but also by the insecurity posed by the proliferation of small arms due to this conflict.[126] Within the international system while the European Union and its member states considered the benefits of peace as better than the burden caused by Somali refugees the USA on the other hand was driven by issues of terrorism. The Arab world led by Egypt on its part got involved on the basis of connections with Somalia on religious grounds as well as other interests.

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[125] Dean Pruitt, "Ripe Theory and the Oslo Talks," *International Negotiations* op .cit. p 13
[126] See Chapter Five

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Whereas these factors created readiness for intervention other interests undermined it thus inhibiting the chances for a solution in Somalia.[127] It is the latter forces that inhibited the realization of complete readiness which would have ensured a solution long lasting for Somalia.

7.5 Simultaneous Multiparty Mediation

The idea of multiparty negotiations introduces greater complexity to the negotiating process. According to Zartman[128] managing complexity is a structural problem that presents two possibilities. The first is coalition analysis. In this view the presence of several parties is seen as an opportunity and possibility of grouping that reduces the complexity to become bilateral.[129] In the Somalia case while group A supported a centralized form of government group, B on the other hand coalesced around the question of federalism.[130] Whether coalitions are formed on an issue or formed to cut across issues they help to piece together an agreement if managed well.[131] The alliances formed by the Somalis were indeed coalitions that cut across issues. While most literature examines the history of the conflict, the parties and the particular issues around the negotiations some also suggest a closer look at the individual actor.[132] Literature on the first argues that in every conflict there are issues over which the parties are struggling. These issues capture not only what drives the parties but also the needs of the parties. It is these issues that must be addressed before the conflict ceases.

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[127] Ibid
[128] I.W. Zartman, "Conclusion: Managing Complexity," *International Negotiation*, Vol.8 (2003) pp. 179-186
[129] see Larry Crump & I.W. Zartman, "Multilateral Negotiations and the Management of Complexity," *International Journal*, Vol.8 (2003) pp. 1-5
[130] See Chapter Four
[131] Larry Crump & I.W. Zartman, "Multilateral Negotiations and the Management of Complexity," *International Journal*, op.cit. pp. 1-5
[132] Jeffrey Rubin, "Actors in Negotiation," in Victor Kremenyuk (ed) *International Negotiation: Analysis, Approaches, Issues* (New York: Jossey Bass, 2002) pp 97-100

Because issues reflect party interests they form the basis on which a compromise may be reached. The method used to sort out the issues has implications for the outcome. For example, the negotiations in committee one over the charter was informed by two contradictory needs. Whereas a section of the committee fronted for a centralized government the other insisted on a federal type of government. [133] The difficulty of negotiating this issue stemmed from the political interests both local and regional. The stalemate that followed was viewed in a zero sum manner. Each section of the committee viewed a compromise as a loss to itself and a gain to their opponents. The main objective of Abdikassim was to remove the faction leaders who were holding to territories militarily.[134] This view was also held by Djibouti while Ethiopia opposed it and supported federalism.[135] The two positions held translated into a duel at the regional level between Ethiopia and Djibouti thus rendering the management process even more complex. This had serious implications. In this regard the disagreements translated into a stalemate which was perceived as a zero sum game. The problem that subsequently emerges is that such a situation calls for highly skilled mediation that would ensure that the gains of one side do not translate to losses for the other. Only in this way is a solution guaranteed.

This implied that chances for changing or giving in, diminished because each party defended their position and the whole negotiation turned into a competitive game of obtaining the widest support. The result was that the negotiations manifested as competition for numbers in a power game. Those with the biggest number behind them would view themselves as more powerful but those with less numbers were weak. This perception of things undermined the Rule of Procedure which required that decision making in the process should be through consensus.[136]

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[133] See Chapter Five.
[134] See Chapter Three
[135] Ibid
[136] Rules of Procedure for Somalia National Reconciliation Process, 26th October, 2002

Theoretically this meant that the parties had to be moved from focusing on positions to issues which could be negotiated.[137] The danger in not doing so is that groups become preoccupied with building coalition by increasing their numbers, thus loosing focus on finding a mutual solution.

7.5.1 Multiparty Negotiations

The idea of multiparty negotiations introduces greater complexity to the negotiating process. Indeed the Somali parties on many issues formed different coalitions through groupings on the basis of affiliation.[138] On the contrary, failure to negotiate a coalition group across an issue is an obstacle to piecing together an agreement. The parties to the Somalia conflict did not form coalitions but rather rallied in cross cutting groups on issues. For example negotiation within the committee one enabled different factions to rally around two contrasting issues.[139] Group A comprising different factions grouped around a centralized form of government while group B coalesced around the question of federalist government.[140] The implication is that the management becomes complex and in this sense efforts to close the gap are retarded. This was the case after group A and B presented their report on the charter to the TC. Months of competition to win disciples rather than narrow differences followed.[141] The difficulty of moving parties to focus on issues was undermined by the lack of skilled mediators among others in the process.

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[137] See Chapter One
[138] See Chapter Four
[139] See analysis in Chapter Four
[140] See Reports of Committee One-Draft Charter A and B, *Documents of Somalia National Reconciliation Conference*, Nairobi, March, 2003
[141] See Chapter Five

The role of multiple mediators is captured in mediation literature very well. In the discussions it is argued that multiple mediators bring certain advantages to the mediation process.[142] Whereas they bring advantages like different values, experiences and skills to bear on the mediation process on the one hand, on the other they also bring differences in opinion which easily delay or derail decision making. Debate on suitability of regional intervention is informed by scholars like Nye[143] who support this approach on the basis that sub regional organizations know the conflict better because they are nearer to the conflict and can afford to stay longer in the conflict zone on the one hand. Critics reject sub regional organization's intervention on the basis that they are too entangled with conflict, lack resources and capacity and above all lack the legitimacy of an international intervention.[144] IGAD's intervention was viewed from this perspective.

While the IGAD member states had the advantage of knowing the conflict so well and even having leverage over some of the faction leaders by being their allies, it also had the weakness of differences and lack of resources to fund and organize the negotiation.[145] Although this was overcome through partnership with the IGAD Partners Forum (A group of countries that had an interest in the outcome of the Somalia conflict), it equally made the management of the conflict more complex.[146] IGAD found it difficult to deal with the Somalia problem because of the divergent views and interests held by the member states.

[142] Chester Crocker et.al (eds) "Introduction," in Chester Crocker et.al.,(eds) *Herding Cats: Multiparty Mediation in a Complex World* 3rd edition (Washington DC: US Institute of Peace Press, 2003) pp.9-14
[143] Joseph S. Nye, *Peace in Parts: Integration and Conflict in Regional Organization* (New York: University Press of America, 1987) pp.14-18
[144] Ibid
[145] "Somalia teams run out of cash," *East African Standard*, Nairobi, 8th May, 2004
[146] "Diplomat's plan boost for Somali peace talks," *East African Standard*, Nairobi, 13th November, 2003

7.5.2 Dynamics of Multiparty Mediation

The literature on mediation has converged on three basic styles that mediators can adopt in their efforts to resolve a conflict.[147] Touval and Zartman[148], Bercovitch and Houston[149] contend that the mediator is the formulator and a manipulator.

Other alternative classifications only add details to this view as seen in Touval and Zartman[150], Hopmann,[151] Keashly and Fisher.[152] Bercovitch[153] however, describes the formulator-manipulator method and distinguishes general mediator behavior. Contrary to this is the view of the mediator as a facilitator. In this case, the mediator serves as a channel of communication among disputing parties according to Burton,[154] Hopmann.[155]

The mediator as facilitator organizes the logistics of the negotiation process, collects information, sets the agenda of issues to be discussed and prioritizes them and/or delivers messages between parties that cannot communicate directly. From this perspective the mediator makes no substantive contribution to the negotiation process but, rather, is confined to ensuring continued constructive, discussion and dialogue among parties.

The theory of mediation conceives two main approaches derived from this understanding. The coercive approach to mediation uses power politics to move the process towards an

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[147] See Saadia Touval and I.W. Zartman, "Mediation Theory," in S. Touval & I.W. Zartman (eds) *International Mediation in theory and Practice* (Boulder: Westview, 1985) op.cit.

[148] Ibid

[149] Jacob Bercovitch and A. Houston, "Why do they do it Like This: An Analysis of Factors Influencing Mediator Behaviour in International Conflicts," *Journal of Conflict Resolution* Vol.44 (2000)

[150] S.Touval and I.W. Zartman, "Mediation Theory," in S. Touval & I.W. Zartman (eds) *International Mediation in theory and Practice* op.cit

[151] Terrence P. Hopmann ,*The Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina Press,1996)

[152] , R.J. Fisher & L. Keashly, " The Potential Complimentarity and Consultation within a Contingency Model of Third Party Consultation," *Journal of Peace Research* 28, 1,(1991) pp.21-42

[153] Jacob Bercovitch and Allison Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," in Jacob Bercovitch (ed) *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynn Reinner, 1996) pp.11-35; see also Jacob Bercovitch and Paul Diehl. "The Management and Termination of Protracted Interstate conflicts : Conceptual and Empirical Considerations," *Millennium: Journal of International Studies* 26 (1997) pp.751-769

[154] John Burton,

[155] Terrence P. Hopmann ,*The Negotiation Process and the Resolution of International Conflicts* op.cit

outcome. The mediator in this case is a formulator-manipulator as opposed to the facilitative approaches that is more process oriented.[156] In the latter approach the mediator facilitates the parties to a mutual outcome that takes into account reconciliation, forgiveness and negotiation. Coercive approaches depend on carrots and sticks that are applied by the mediator. These are forms of leverage that are used to obtain particular results from the parties. The mediator formulates, and offers suggestions that are communicated to the parties to move the process forward. Although some scholars like Burton[157] support limiting a mediator's role to facilitation, Terris and Maoz [158]find that mediators are more likely to use manipulation. Mediation analysts who encourage adoption manipulative styles argue that the manipulative mediator's ability to apply leverage will allow him/her to be more effective than the facilitator in bringing about an agreement.[159]

The signing of the Cessation of Hostilities document in Eldoret is partially attributed to the use of the manipulative style by Mwangale. However when Kiplagat took over and resorted to the facilitative approach the result was more frequent deadlocks with little progress. These deadlocks sometimes gave rise to stalemates that took a toll on the diplomatic momentum thus slowing down the conference. It is not surprising that the conference lasted longer than necessary. This made the IPF/IFC impatient and the delegates weary that towards the end it became an all out search for an outcome through hook or crook. The outcome focused basis led use of unorthodox means especially the text that was signed at to arrive at the end of the Safari Park leaders meeting. Trust continued to decline between the parties rather than grow and finally

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[156] Marieke Kleiboer, "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution*, Vol.40, No.2 (1996) pp.360-389

[157] John W. Burton, *Resolving Deep Rooted Conflict: A Handbook* (Lanham: University of America, 1987)

[158] Lesley G.Terris and Zeev Maoz, "Credibility and Strategy in International Mediation," *Politics in International Relations*(2001)

[159] Jacob Bercovitch and Allison Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," in Jacob Bercovitch (ed) *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder: Lynn Reinner, 1996) pp.11-35

the outcome could not be implemented on the ground. The outcome entirely ignored the issue of reconciliation and was manipulated by the IFC/IPF to craft a government.

The coercive processes of mediation involve use of manipulative skills. The essence here is to try to get the parties to meets each other's needs without directly confronting the issues or putting their interests and desires on the table to be addressed. Manipulative approaches require analytical and issue fragmenting skills and leverage that would move the parties forward without undermining, endangering the process or hurting the parties. The danger is that if used unskillfully the approach is bound to fail and cause great harm to both the process and the parties in the negotiation. The strength of a coercive-manipulative approach lies in strong analytical and communication skills, without which the mediation may not work. The analysis should help to indicate which issues are easy to handle first and which ones should come last.

7.5.3 Theoretical perspectives of Creating a Central Coalition

Political spectrum analysis affords a useful base for building a political group for ripeness. A conflict is ripe for resolution to the extent that there is a broad central coalition of people who are ready for negotiation across the political spectrum. The better organized or armed the extremists are on either side, the broader must be the coalition on that side, so as to incorporate or neutralize them (extremists) and thus prevent them from spoiling the negotiation or the agreement. The idea of a central coalition relates to structure of negotiations and mediation. Theoretically, negotiation structure is dyad but the entry of a third party into the conflict restructures it into a triad. The third party is able to obtain a solution to the conflict by through the creation of an alliance with one party against the other. In this regard a central coalition can be considered to be part of the alliance system which helps the third party to bring about a solution to the problem.

Fig. 2: Party Readiness and Ripeness in relation to Negotiate and Mediate
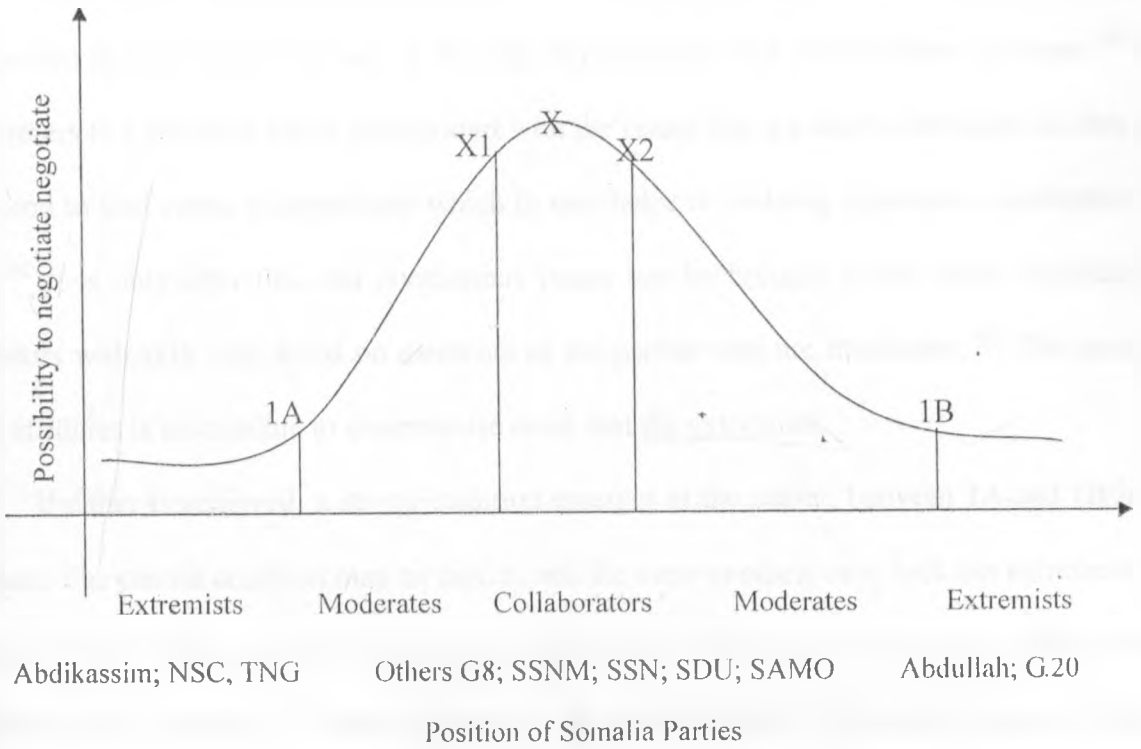
Ripeness and Readiness

Fig.2 Modified from D. Pruitt, "Whither Ripeness Theory," *Working Paper* no.25 (2005)

In fig.2, the horizontal axis of the graph shows the political spectrum. The vertical axis is the level of readiness experienced by the parties. As mentioned earlier, readiness is greatest among the collaborators and least among the extremists. Point X on the vertical axis can be thought of as a threshold of readiness and ripeness of parties to negotiate. It is this point that a mediator should skillfully direct the parties towards all the time in order to create a central coalition that is ready to negotiate. Points 1A to 1B shows what is referred to as a central coalition.

Success or failure of negotiations will depend on whether the majority of the parties are mobilized to the center or not. Where parties move to ends, the negotiated or mediated outcome will be difficult to implement. However, if the parties move to the center then the possibility of a

fruitful outcome that is easy to implement occurs. The skill required is thus to move the parties towards the center in order to allow for negotiations. The process of this movement can be approached in two ways. One way is through fragmentation and prioritization of issues.[160] The latter refers to a situation where parties start with the issues that are least contentious. In this way they tend to find zones of agreement which in turn helps in building consensus, confidence and trust.[161] It is only after this that contentious issues can be brought to the table. Alternatively, mediators with skill may focus on members of the parties·who are moderates.[162] This group of party affiliates is susceptible to compromise more that the extremists.

If either is achieved, a strong coalition emerges at the center, between 1A and 1B in the diagram. The central coalition may be used to sell the view to others or to lock out extremists and spoilers. The challenge posed by these two approaches is that they require very highly skilled mediators. The challenge of either approach is the fact that skill is required to maneuver issues and people. In this regard if a skilled mediator is involved then they might yield positive result but where the mediator lacks skills then the results are disastrous. This means that only a few mediators may resort to this kind of strategy. In addition the two approaches imply a level of readiness. Readiness is defined "*...as the moment when a mediator has assembled requisite resources, political backing,. and institutional support-both domestically and among coalition partners-to move the negotiation process forward.*"[163]

[160] Louis Kriesberg, "Varieties of Mediating Activities and Mediators in International Relations," Jacob Bercovitch (ed) *Resolving International Conflicts: Theory and Practice* (Boulder: Lynne Rienner, 1996) pp. 227-232
[161] Tamra Pearson d'Estree " Problem Solving Approaches," in J. Barcovitch, V. Kremenyuk and I.W. Zartman (eds) *Conflict Resolution: The Sage Handbook* (Los Angeles: Sage, 2009) pp 156-161
[162] I.W. Zartman, "Dynamics and Constraints in Negotiations in International Conflicts," in I.W. Zartman (ed) *Elusive Peace: Negotiating an End to Civil Wars* (Washington DC: Brookings Institute, 1995) pp 18-22
[163] See Bertram I. Spectram, "Negotiation Readiness in the Development Context: Adding Capacity to Ripeness," Paper presented at the annual conference of International Studies Association, Minneapolis, March 1998. Although in his discussion Spectram viewed readiness in terms of parties' willingness to engage in negotiations this discussion refers to readiness in terms of a mediator's capability to engage in a conflict.

The Somali case involved a group of mediators and a number of parties. The mediators comprised Djibouti, Ethiopia, Kenya, Sudan, Eritrea and Uganda, while the parties to the negotiation were G8; SSNM; SSN; SDU; SAMO; TNG; SRRC; NSC and TNG among others had the highest level of ripeness and readiness to negotiate.[164] In terms of mediation, Kenya, Uganda and Sudan had the highest ripeness and readiness to engage as mediators.[165] The central coalition is broad, encompassing large numbers of people on both sides of the conflict. With a coalition this large. negotiation becomes quite likely; and if the coalition persists, a lasting agreement is likely to be reached.

Before and beyond 1A and 1B in the figure is a narrower group much-less disposed to ripeness and readiness to negotiate or mediate. This comprises extremists unlikely to negotiate or mediate, because they have little ripeness and readiness. Amongst the Somalis the TNG, its ally NSC and the SRRC are examples. While in the IGAD mediation team, Kenya, Uganda and Sudan fell in the category of those willing to mediate; Ethiopia, Djibouti and Eritrea were unwilling. In such a conflict situation there are two possibilities that present. Whereas on the one hand it can worsen if the extremist become much larger by eating into the moderates, it may also improve if the moderates join the collaborators in a coalition. Moderates in this diagram occupy between points 1A and X1 as well as X2 and B1. In the Somalia case, the moderates included the G8, SSNM, SSN, SDU and SAMO among others. If they joined either the TNG and NSC or the SRRC the situation worsened. This was the case at the time for negotiating the Rules of procedure and the Charter. During that period, the TNG found an ally in the G8 because both did

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[164] Refer to Chapter Three
[165] Refer to Chapter Four

not trust Ethiopia.[166] The coalition that resulted almost derailed the negotiations severally. However, later the G8 had a marriage of convenience with the SRRC with similar results.[167]

The concept of a central coalition may also apply to mediators in multiparty mediation. Whereas a coalition of extreme mediators worsens the conditions of mediation on the one hand, on the other hand, a coalition of collaborators may improve the mediating environment. In this regard whenever Ethiopia and Djibouti allied together the mediation worsened. This happened towards the end of the peace process after the two struck a deal. After that deal the IFC took over the ownership of the process thereby denying the Somali parties a chance to seek a mutual solution to their problem.[168] Theoretically, a coalition of collaborators and moderate mediators improves the mediation environment. However, during the mediation of the Somali conflict the moderate and collaborative mediators were unable to create any central coalition. This can be explained by the intensity and diversity of their national interests. For instance, Kenya and Uganda could not gang up because of their rivalry over regional dominance.[169]

There are several ways of building central coalitions in negotiating and mediating an outcome. One is by coalescing around 1A or 1B, where the central coalition is built around extremists, in other words the moderates join with the extremists. In practical terms the number of moderates reduces as that of extremists' increases. In this regard the outcome is unlikely to resolve the conflict through negotiation because a coalition around extremists produces two polarized groups that tend to be competitive. The competitiveness arises out of the belief that any compromise is a defeat. In this perspective all parties cannot compromise, and the outcome is bound to fail.

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[166] For details discussions refer to both Chapter Three and Four

[167] Letter by Members of G8 to the Minster for Foreign Affairs titled, "Endorsement of the Statement issued by Hon. Kalonzo Musyoka on Somali Peace Conference on 17th February,2004 and Declaration on Charter Harmonization signed on 29th January, 2004," Nairobi, 17th February, 2004

[168] See Chapter Five for details

[169] See Chapter Three and Four

The other way of creating a central coalition is to construct it around moderates. Moderates are between 1A and X1 and X2 and 1B. Since moderates act like swing votes in an election as such a coalition ends up very shaky and unstable. In this regard the instability arises out of the fact that the coalition may tilt either way depending on the amount of pressure exerted by different negotiating sides. Naturally, moderates cannot withstand pressure which is a characteristic of all negotiations. This renders coalition of this kind either to be very temporary or extremely unreliable; a condition that is not good for conflict outcomes.

A third way of creating a central coalition is by coalescing it around collaborators, meaning between X1 and X2. This kind of coalition is constructed by attracting moderates from between 1A and X1 as well as X2 and 1B. Because, collaborators are essentially interested in getting a solution they form the strongest starting point. In this case the coalition is realized with the movement of moderates towards the central parts of the continuum shown by X1 and X2. The implication here is that extremists are denied support of either the moderates or collaborators. This kind of coalition is strong and has the highest chance of delivering a negotiated outcome on the basis that the groups involved have a high chance of ripeness and readiness. Additionally, these groups indicate a broader representation. This has implications for the management of conflict.

Because coalition building is a highly sensitive and complex affair it requires highly skilled mediators. On the basis of the skills of mediators, ripeness and readiness of the parties a central coalition that emerges may bring different negotiated outcomes. Where the central coalition is constructed around extremists the result is a failed mediation, because it is based on premature intervention. For example the Grand Coalition in Kenya was a result of central

coalition created by the principals, Raila and Kibaki.[170] The two represent two polarized extremes. It is not surprising that the coalition government suffers many set backs from extreme lieutenants of the two principals, from time to time.[171] The failure of this kind of coalition arises from the fact that it allows the extremists to thrive instead of strangulating them.

A central coalition around moderates however, may result in successful mediation and produce a shaky outcome. The example here applies to the Middle East conflict, where Israel and Palestinians have been negotiating for some time now. Before the Oslo talks, the central coalition was intermediate between points 1A and X and 1B and X, it was possible to start negotiation and conclude an agreement because the leaders on both sides were part of the central coalition. Additionally, the negotiation was kept secret from most extremists.

In the Somalia case the negotiations brought all groups; extremists included Abdikassim, TNG and the NSC on the one hand and Abdullahi Yusuf and the SRRC on the other. Abdikassim's extremism was due to the frustrations from the SRRC coalition of Abdullahi Yusuf. The group had essentially confined the TNG to a section of Mogadishu. On his part Yusuf felt that he had sacrificed so much for the sake of liberating Somalia that it was only him who could lead the country. The SRRC was also bitter that they had been locked from participating in the immediate previous peace process at Arta, which resulted in the TNG.[172] Because of this bitterness none of them was ready or willing to compromise unless their terms were met.[173] This kind of attitude is not conducive to negotiation/mediation environment. Mwagiru notes that '...*an important strategy during this stage is one that allows the parties to walk through the history of their conflict as a therapeutic measure...a walk through history of*

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[170] Makumi Mwagiru, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* (Nairobi: IDIS Publication, 2008) pp. 185-194

[171] "Spilling the beans: ODM and PNU MPs trade accusations on post-election violence as they 'guide' Ocampo to their political opponents, " *The Standard*, Nairobi, 8th October, 2010

[172] Refer to Chapter Five

[173] Ibid

their grievances also predisposes them to listen to each other, thus creating an environment suitable for negotiation. '[174]The net effect is that this helps bring about readiness.

At the onset groups like the *Digil Mirifle, Dir/Isaaq* and the minorities like *Jererwyn*[175] comprising SAMO, SSNM, SDU, and SSN were moderates and collaborators and could have been the basis for creating a central coalition, however, they were unable to do so because they lacked strength around which to edify a strong coalition. In figure.2, these groups are between points 1A, X1, and X2 and 1B. Although these groups comprised a narrow central coalition, their chance of negotiating an agreement without the bigger clans (*Hawiye* or *Darood*), was slim on the basis of their numerical and military strengths. In this regard they usually succumbed to threats from the bigger ones. In the former case, the danger to any form of coalition lurks within the symmetry that exists between the factions; a situation which surprisingly contributes to readiness for negotiations.

For example, the two principals and their clans, Abdikassim (*Hawiye*) and Abdullahi Yusuf (*Darood*) only accepted negotiation when the chance to be elected as president presented itself as obvious to them.[176] The readiness came after secret meetings held in Karen in which the two struck a deal on power sharing.[177] It was on this basis that a central coalition was constructed around that eventually led to the formation of the Transitional Federal Government of Somalia.[178] In addition their agreement was also informed by an imminent mutual catastrophe that emerged for the two principals. Zartman[179] describes this as a situation in which both parties to a conflict see problems that undermine their chance of winning militarily. While Abdikassim was faced by the imminent expiry of his term as TNG President in August of 2003, Abdullahi

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[174] Makumi Mwagiru, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya* op.cit p. 119
[175] See Chapter Two
[176] Refer to Chapter Five
[177] Ibid
[178] Ibid
[179] See I.W. Zartman, Ripe for Resolution op.cit

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had already lost the Punt land presidency to Jama Ali Jama through an election whose results he disputed.[180] Despite experiencing this mutual catastrophe they became optimistic about winning the forthcoming elections in the SNRC. Crocker[181] ties ripe moment to optimism in terms of expectations. Each leader was optimistic about being elected to the presidency. In terms of ripe moment this is referred to as the enticement opportunity model.

The difficulty of creating a central coalition in the Somalia peace process can also be explained by the efforts of the chairperson of the TC/IFC to appease extremists. The chair owed the extremists a debt arising from the support they gave him when he did away with the leaders committee. After the plenary of 2003 where two versions of the charter were presented, the chair with support from the Heinrich Boll Foundation appointed an *ad hoc* committee of experts to harmonize the two versions.[182] The rejection of this harmonized report by experts by the leaders committee set the chairman and the leaders committee on a war path.[183] Indeed the leaders committee also did its own harmonization. The chair to undermine the leaders committee befriended extremists in the leaders committee. He picked on Abdullahi Yusuf and his allies like Maulid Maane, and the TNG members like Hassan Abshir and Abdalla Derrow.[184] Although the effort paid off by suffocating the leaders committee, eventually it had negative repercussions.

In the long run the central coalition edified around the extremists. The implication was that two opposing central coalitions emerged edified around Abdikassim's TNG and the SRRC. Because of polarization of the two extremes the coalition was weakened as a basis for mediating

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[180] Report of the IGAD Technical Committee on Somalia to the IGAD Frontline States Ministerial Committee, Nairobi, 8th August, 2002

[181] See Chester Crocker et al (eds) *Managing Global Chaos* (Washington DC: United States Institute for Peace Press, 1996)

[182] See Chapter Five

[183] Letter to the TC chairman titled, "Position of the Somali Leaders Committee on the Harmonized Charter," Nairobi, 15th May, 2003

[184] See Chapter Five

a long term solution for peace in Somalia.[185] This is exemplified with the case of Harti during the power sharing. The Darood sub clan[186] of Harti led by Abdullahi Yusuf an extremist rejected first the slots assigned by the Darood clan and later even challenged the decision of the arbitration committee.[187] Abdullahi was able to mount a strong opposition to the decision that forced the chairperson and Affey to attempt breaking the rules of procedure by persuading the arbitration committee to come up with another favorable decision.[188] However, the chairperson of the committee stood his ground and dared Abdullahi to leave the conference. Finally the chairperson of the committee faced Abdullahi for a candid meeting at his house. The chair pointed to him that he had nowhere to return to since the presidency of Punt land had already been taken by someone else. Secondly he was persuaded to stay and try his lack on the presidency at the conference where he had a better chance than back in Somalia.[189]

Ordinarily in mediation, if a central coalition emerges around collaborators then it is possible to move the extremists or simply isolate them. A central coalition around collaborators is one than tends towards cooperation but one built, around extremists tends to be confrontational. Conflict resolution requires cooperation rather than confrontation. Cooperation promotes not only dialogue but also allows a mutually trustworthy environment to emerge in which the parties are comfortable and look for a solution that would benefit all. It is an atmosphere that brings about a win-win solution. A confrontational approach undermines unity and instead promotes competition between the parties. The parties view each other with

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[185] Ibid
[186] Letter from the IFC to the Chairman National Arbitration Committee requesting the committee to distribute the slots for the *Darood* among its member sub clans, Nairobi, 24th July, 2004
[187] Submission letter of the Arbitration Committee on Case no. 03/04 of the Somalia National Reconciliation Conference on the Distribution of the 61 parliamentary seats quota of the Darood, 27th July, 2004
[188] Refer to Chapter Five for details
[189] Interview Hussein Hussein, Chairman of Arbitration Committee, Nairobi, 15th August, 2004

suspicion about their intentions and as a result they stick to their positions and defend them. The chances for any compromise are therefore minimized.

Despite the ripeness of the moment the situation was complicated by what is referred to as readiness. The issue of readiness is closely linked to regional dynamics and the interaction between extremists, collaborators and moderates. Whereas Kenya and other IGAD countries may be viewed as moderate within a regional perspective, Ethiopia and Djibouti on the contrary took an extremist position. This view is informed by the interest shown in Somalia and how those interests were protected. Whereas Djibouti was out to protect the TNG its counterpart Ethiopia remained steadfast behind the SRRC.[190] The two became so polarized that solving the problem became problematic. In resolution of internationalized conflicts solutions that ignore the regional aspects are bound to fail while those that do have a higher chance for success. Without taking into account the local, regional and international dynamics peace in Somalia remains a challenge.

7.6 Concept of Dual Readiness

The idea of dual readiness and ripeness factors regional and international variables into the understanding of how a regional and international institution intervenes in conflict. However although ripeness and readiness explain the success or failure of an intervention they are inadequate with reference to institutional intervention. More so in the case of sub regional institutions like IGAD whose resources and expertise are limited.[191] Success is more guaranteed when sub regional organizations show adequate preparation in terms of resources, coordination and knowledge of the conflict. [192]The lack of resources and coordination are considered as part of lack of readiness and is likely to affect the performance of a regional organization. But this debate should go further than resource mobilization. Readiness is also closely associated with

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[190] Refer to Chapter Four
[191] Refer to Chapter Five
[192] Ibid

expertise in the conflict. This would be components closely associated to intellectual and intelligence capabilities. While intelligence relates to information gathering which is crucial for communication, intellectual input on the other hand adds value in terms of skills for understanding a conflict through its analysis and hence creating better and relevant strategies to handle it. Lack of both intelligence and intellectual input undermines the readiness aspect of the intervention strategy put in place. The failure of interventions therefore at sub regional level is directly linked to lack of readiness. In this sense readiness encapsulates the level of preparedness within the sub regional institution.

Readiness also encompasses the political will and determination of the intervening states.[193] Sub regional organizations that lack the resources of big states like the USA or United Nations need readiness and ripeness.[194] In this case since there are differences of interest in the problem readiness would imply the deliberate effort in coordinating the different interests and consolidating resources. This implies therefore a level of cooperation among the interveners. In this regard the political will becomes the necessary tool would deliberately help states to cooperate in such an endeavour. Without political will each states action at international level is driven by the need to protect its national interest.[195] It follows therefore that the divergent state interests would undermine efforts to resolve a problem at hand. Ripeness and readiness becomes an essential element of the political will.

The concept of dual readiness and ripeness refers to the elements of readiness that are part of the preparations for third parties' intervention in conflict and the second aspect that has just been discussed has to do with the smooth running of the process. In the Somalia conflict

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[193] Chester Crocker et al., (eds) Herding Cats: Multiparty Mediation in a Complex World (Washington DC: United States Institute for Peace Press, 1999)

[194] Joseph Nye, *Peace in Parts* (Boston: Little Brown, 1971)

[195] See for detailed discussion Hans Morgenthau, *Politics Among Nations: the Struggle for Power and Peace* 6th edition (New Delhi: Kalyan Publishers, 2004)

IGAD lacked the second aspect of readiness. One might see the difference if comparison is made between the intervention in Sudan and the intervention in Somalia. While the Sudanese intervention had resources the Somalia side was starved of resources.[196] The Sudanese component had intellectual input as an advisory element to the Special envoy. The group comprised prominent conflict scholars like Prendaghast,[197] the Somalia component was being run by diplomats well versed in the practice of conflict management but without theoretical knowledge of analysis and management of conflicts.[198] Additionally, and more importantly, whereas the Sudanese conflict had consensus and political readiness within the region and beyond, unfortunately the Somali one lacked that political will and readiness internationally let alone within the region.[199] It was largely a duel for various states interests. It is not surprising that the two processes though run by the same institution gave two different results. What this illustrates is the importance of readiness on the part of third party intervention.

7.6.1 Dual Readiness and the Pre-negotiation Stage

The importance of pre-negotiation process in international negotiation cannot be underscored. The theory of pre-negotiation captures it as the stage that principal parties use to reduce the risks of escalation, define and narrow the borders of dispute and clearly identify the trade offs and the structure of the agenda for formal negotiations.[200] The likelihood of successful negotiations improves significantly when parties reduce their differences significantly during the pre-negotiations. As part of the wider process of negotiation during pre-negotiations the parties explore the possibility of finding a zone of agreement. Consequently this is an exploratory period

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[196] "Somalia teams run out of cash, " *East African Standard*, 8th May, 2004 p. 19
[197] Refer to Chapter Three
[198] Ibid
[199] Ibid
[200] Harold H. Saunders, "We Need A Larger Theory of Negotiation: The Importance of Pre-negotiation Phases," *Negotiation Journal*,vol.1(1985) pp.249-262

wherein the parties engage in the preparation for substantive negotiations.[201] Zartman and Berman[202] assert that long before the first formal negotiation session opens the negotiation process begins with the decision for the parties to explore the possibility of negotiating. Saunders adds that this stage is critical in removing the obstacles towards a negotiated agreement. For him if this happens then the negotiations may just be a formality however, if the obstacles remain then the chances of a successful negotiation reduces significantly.[203] Pre-negotiation phase aims to move the parties from antagonistic or competitive negotiation to a more collaborative negotiation, the support of a mediator may crucial.[204] A third party intercedes when negotiations reach a deadlock. The role of the third party is to help the party's progress by bringing outside perspectives to help find ways to resolve the deadlocked conflicts[205].

Literature on the process of negotiation and mediation identifies stages. Although different scholars have come up with different stages they agree that one crucial stage is the pre negotiation stage. From Saunders view the pre negotiation stage is an important stage that determines to some extent the success or failure of negotiations and mediation[206]. If this stage goes well then it can be argued that the negotiation and mediation is half way through. During the stage the third party connect with the parties to the negotiation to try and bring them to the table. IGAD set up a committee that visited Somalia not only to identify the key factions on the ground but also their leaders and the issues that they had. Although most leaders were identified

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[201] Ibid

[202] I.W. Zartman and M. Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982) pp. 66-78

[203] See Harold H. Saunders, "Pre-negotiations and Circum-negotiations: Arenas of the Peace Process," In Chester Crocker, Fen Hampson and Pamella Aall (eds) *Managing Global Chaos* (Washington DC: United States Institute of Peace Press, 1996)

[204] Jacob Bercovitch and Paul Diehl, "Conflict Management of Enduring Rivalries: The Frequency, Timing and Short-Term Impact of International Mediation," *International Interactions* 22 (1997) pp.299-320

[205] Jacob Bercovitch and Houston, "Why Do They Do It Like This? An Analysis of Factors Influencing Mediation Behavior In International Conflicts," *Journal of Conflict Resolution* 44 (2000) pp.170-202

[206] Harold H. Saunders, "Pre-negotiations and Circum-negotiations: Arenas of the Peace Process," In Chester Crocker, Fen Hampson and Pamella Aall (eds) *Managing Global Chaos* op.cit

it is clear that invitations did not reach some of them. The failure of IGAD letters to reach was simply because Hussein Aideed and Mualid Maane did not deliver letters given to them for some individuals.[207] The repercussions of this were several not only were there contention over who is a delegate but also who is a true representative of the Somali groups. The second confusion lay in the fact that instead of 350 invited delegates in Eldoret IGAD ended up with 1000 delegates.[208] This excess number strained the budget allocation given by the donors. However, the lack of foresight and anticipation of the extra numbers is a reflection of poor planning thus diminishing the level of readiness. On the part of the planners there was no contingency plan for this emergent dimension thus resulting in chaos over accommodation and tension in the process.

7.6.2 Dual Readiness and Sub Regional Intervention

The problem of re-entry clarifies the difficulty that was experienced during the entire process of negotiation and mediations. At the core of re entry is the issue of security. In this scholars have identified the problem of security dilemma and security sector reforms mainly disarmament, demobilization and reintegration (DDR). These two measures are still debatable within scholarly circles. The security dilemma raises a number of issues that should be addresses through a negotiation process. What the agreement should specify clearly is the process of DDR. DDR procedures are often part of the agreement. In some agreement the details are often given including a time table. In others there where the issue is sensitive like in the Somalia case there is less details.[209] It is in the latter cases where DDR presents major contentions and create nightmares for re entry. The Somalia agreement avoided DDR totally apart from an indication that it would be conducted by a National Commission supported by grassroots organizations.

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[207] See Chapter Four
[208] Ibid
[209] Committee Two Report, Eldoret, 3 rd December, 2002 see also report on DDR Committee Reconnaissance Mission 22 – 31st July, Nairobi, 17th September, 2003 pp.2-9

When the time for relocation came the problem of insecurity became a challenge and the government became divided. One group supported self disarming while the other opposed and insisted that there must be an external force to help. This second aspect raised further complications. The groups did not trust each other especially the involvement of Ethiopia. The second element comes from the fear of restoring justice. Most of the faction leaders had committed serious atrocities over time and did not trust the entry of a partisan group like Ethiopia.

The question of how to disarm factions is a key consideration in official peace negotiations, along with the related issue of how to demobilize fighting units, aiding their transition to civilian life. Awareness of the importance of weapons control and DDR in peace processes both during the negotiation of peace agreements and their implementation has increased lately. If peace settlements contain weak or insufficient provisions for dealing with weapons and DDR then this issue is bound to return to haunt the process at a later stage.[210] Weakness of DDR in peace processes is a result of limited experience in this area by many mediators. This lack of skill to sufficiently address the issue of DDR can lead to vague unrealistic and incomplete provisions. A DDR program is generally negotiated as part of the peace accord.[211] Committee two looked at this issue but made little progress. One issue that failed to be mediated well was DDR. On this basis the contention on DDR created the first re-entry challenge to the TFG. The government was divided into two, some members of the TFG supported the idea of external support to help with DDR, and others did not. The latter argued that DDR could be conducted and regulated by Somalis on their own without external

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[210] Camilla Waszink, "Trends in Weapons Control and Disarmament in Peace Processes: Reflections on Guns, Fighters and Armed Violence in Peace Process," in Cate Buchanan (ed) *Negotiating Disarmament*, Vol.1 (2008) March, pp.5-6

[211] Sanam Anderlini and Camille P. Conwell, "Disarmament, Demobilization and Reintegration," *Security Issues: International Alert* (2004) pp. 1-8

interference. Referring to the examples of Puntland and Somaliland as precedents of locally conducted DDR the group rejected external intervention citing, religious and cultural differences. At the basis of this contention was the security dilemma. The question of suspicion and mistrust is usually very high amongst armed groups. None of would be willing to give up arms while being unsure that their rivals have done the same. Whereas supporters of external forces were happy with a neutral force, those who rejected this view were suspicious of intentions such forces especially Ethiopia.[212] The process of DDR plays a role in the transition from war to peace. Violence is sometime used during conflicts by parties. DDR is the first stage in the transition from violence.[213]

The success/failure of DDR thus to some extent determines long term peace building for post conflict societies.[214] Failed DDR may mean a relapse to violence either through criminal activities or the recurrence of the conflict.[215] The success of DDR however is tied to the peace agreement. Two views dominate the nature of DDR within the peace agreement. While one view favors a comprehensive time tabled DDR component of a peace agreement the other view calls for a loosely set item. The first view holds that the need to specify the details offers better prospects for implementation. However, the second view contends that as result of the delicate nature of DDR it is sometime too sensitive to risk a detailed plan without jeopardizing the peace process.[216] For example, the Sudan CPA gave a clear detailed and time tabled plan for DDR

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[212] See Chapter Five

[213] Keith Krause and Oliver Jutersanke, "Peace, Security and Development in Post Conflict Environment, " *Security Dialogue*, 36 (2005) p 447

[214] Mark Knight and Alpalsan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinserting of Former Combatants in Transitions From War to Peace," *Journal of Peace Research* vol.41, no.4 (2004) pp. 499-516

[215] Paul Collier, "Demobilization and Insecurity: A Case Study in the Economics of Transition from War to Peace," *Journal of International Development,* vol.6, no.3 (1994)

[216] Mark Knight and Alpaslan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinsertion of Former Combatants in Transitions from War to Peace," *Journal of Peace Research.* op.cit. pp. 499-516

the Somalia agreement did not reach the comprehensive stage.[217] Although committee two negotiated the frameworks for DDR the details should have emerged within the plenary session provided a window of opportunity to have the details discussed. This opportunity passed by not only as a result of its sensitivity but also because the IFC concentrated its efforts in creating a government. Later after the issue recurred led to fist fighting in parliamentary session held at the Grand Regency hotel in Nairobi; the IFC adopted shortcuts to skip this issue. A few weeks in November the AU required a resolution of parliament in order to endorse external Peacekeepers for Somalia. The speaker of parliament was reluctant itemize the issue in the agenda for parliament. Although he urged the president, the prime minister and the special envoy to give the issue more time and to help build a consensus the desperation of the three led them to call for an extraordinary session of parliament held at KICC. In spite of the protest and boycott by the speaker a Deputy speaker Dalha chaired the session in which a section of parliament without consensus passed the resolution that eventually was presented to AU.[218]

The confusion that follows this session brings to the fore a number of issues. One Somalia is a parliamentary system and therefore the president lacks the capacity to summon and prorogue parliament unlike Kenya which is a presidential system. The action taken by the Somali president on the advice of the chair to the peace process was illegal and misinformed. The resolution was thus passed under dubious circumstances; despite the refusal by Somalis honor the resolution logistical problems also slowed the deployment process. Under such circumstances and the numerous attacks on the forces from Uganda many countries are reluctant to contribute soldiers for the mission in Somalia although many appeals have been made. Essentially the negotiation and mediation of DDR did not lead to any agreement between the parties and this has

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[217] see Copy of the Sudan Comprehensive Peace Agreement, Nairobi, Kenya, 2004
[218] Records of the Extraordinary session of the Somali Parliament, Nairobi, KICC, 13 November, 2004

affected the process of DDR. The failure of DDR has time and again given rise to the escalation of violence.

7.7 Conclusion

Drawing from the structures, approaches and groups involved the Somali peace Conference was a complex issue that required a complex methodology to resolve. What emerges is that the approach used ignored this complexity focused at getting a quick fix solution. It this case the issues that created the problem were left unaddressed. For instance, DDR, property and land matters were relegated in favour of getting a government in place. Although an outcome was obtained this was in the sense of settling the conflict. In conflict theory settlements offer short term solution make it possible for the same conflict to recur.

On the basis of the analysis it is easier to see the reasons why the outcome of the 14th Somali Conference faced many challenges during its implementation stage. In terms of the process regional and international interests were considered at the expense of that of the Somalis. Largely, the IGAD TC/IFC could not take a common stand on issues and that was directly reflected among the Somalis. This weakness affected decision making. It thus raises the doubt on whether multiple mediators involved were willing and ready in the first place, to mediate the problem. The challenge then was to have a new structure that would act as a coordinator. But this affected not only the structure, script and dynamics of mediation but also the outcome itself.

Structurally the process malfunctioned in terms of ownership. While the intention had been to allow the Somalis through the plenary to make decisions by consensus towards the end this was not the case. The troika which was formed assumed both the role of the IFC and the Somali process directing it towards obtaining an outcome by all means. In this case the outcome was not based on the wishes and interests of the people of Somalia. Indeed, the challenge became

how to sell this outcome to the constituents of the conflict. The consequence was therefore the problems of implementation that were experienced.

CHAPTER EIGHT

THE RESEARCH FINDINGS AND THE CONCLUSION

8.1 Introduction

The previous chapter critiqued the whole process of negotiations by reviewing the conflict in Somalia and how it was managed during the peace process. The chapter paid attention to the various players and how they contributed towards the attainment of the outcome. This chapter therefore presents the findings that obtain from the discussion in the foregoing chapters. It starts by revisiting the problem of the research as a reflection on the gap, the literature and the theoretical framework as a basis of the discussions. The Chapter then proceeds by examining the conflict itself and determining what would have been the focus in trying to manage it. The chapter ends by drawing theoretical conclusions that would inform the thinking of future sub-regional interventions in Africa and elsewhere in the world.

8.2 The research problem, literature review and the theoretical Framework

This research was informed by the understanding that civil wars can be terminated through negotiations. Although the literature points to the possibility of a negotiated solution for civil wars, the conditions in Somalia from the literature were unique, thus presenting special circumstances in which negotiations took place. In this regard the unique circumstances included a protracted conflict, negotiated by factions alone. Although the literature and theory of negotiations gave details of the negotiation process, however it did not explain or give the conditions under which negotiations involving factions alone can succeed. In literature is silent about Somalia's heterogeneity it provides useful insights about the genesis of the differences within it. The research establishes that the civil war is about differences that are pegged to clannism-which manifest as ethnic groups. The study therefore concludes that the solution to this

conflict must take into account the perspective that Somalia like other African states must engage in nation building.

In spite of doubts created by debate about whether civil wars can be negotiated, current literature argues that it is possible to negotiate a solution. While there is abundance of literature on processes in which governments negotiate with rebels, this is not the case where factions on their own are involved, as in the Somalia case. This does not mean that the literature was not helpful, however, it provided useful insights that enriched the analysis resulting in gave plausible explanations that helped the research to draw conclusion. The gap in literature raised questions .on whether negotiations of this nature may be envisaged. If they do, then the issue is what conditions might lead to success of these negotiations. The uniqueness of these negotiations provided an opportunity to address this gap. The study established that there are conditions that help such negotiations to succeed.

Although the case study of Somalia was methodologically reviewed in depth, other studies done by other scholar's were also reviewed for purposes of creating generic knowledge. In this regard useful tools like case analysis and cross analysis became vital to bring about both a comparative perspective and at the same time an in-depth and detailed analysis of the case itself. The conclusions drawn therefore are useful in terms of generalization because the findings of the other cases strengthened the results of this study.

8.3 Research Findings

The debate on the sources of conflict is pegged to the effective management of internal conflicts. The distinction between the resolution and settlement is important. Whereas a resolution gives a long term solution to the conflict a settlement is short term. This distinction in conflict resolution theory implies that while a conflict resolution addresses both the underlying

sources and causes of conflict, settlement deals only with causes which are short term. The settlement results in short term solutions instead of addressing what is really behind the conflict it deals only with the superficial aspects.

An examination of the conflict in Somalia indicates that one of the underlying sources of the conflict is ethnicity. This question is directly linked to the debate on whether Somalia is homogeneous or not. Whereas this debate remains inconclusive, the finding is that beneath the apparent homogenous outlook Somalis remain deeply divided along ethnic lines that manifest in clannism. Traditional, ethnicity manifests itself in the form of tribal groupings however this is not the case in Somalia. Although the same ethnic characteristics are seen in Somalia the divisions are along clan lines. This explains why some scholars ignore the ethnic dimension and tensions in Somalia. However, beneath the surface deep clan divisions exist are apparent in Somalia. Theoretically, ethnicity is explained either by primodialism or constructivism. While the former considers ethnicity to be a product of physical and natural differences, the latter rejects that and instead argues that it is constructed.

Despite Barre paying lip service to ending ethnicity he bestowed privileges on the Marehan, Dulbahante and Ogaden. This isolated the Hawiye, Dir and Darood, Digil Mirifle and the minorities. At the Somalia peace process the aim of the 4.5 formula was to redress this imbalance in the new political dispensation. The other reason for laying emphasis on the clan was to bring about reconciliation. However the reconciliation of clans was later abandoned in favour of a quick fix solution. This led to the failure to deal with the clan cum ethnic dimension of the problem. From this perspective it is not surprising that the outcome was temporary. The fact that the result did not address the core issues behind the conflict led to re entry problems. Re-entry is considered as the problem that arises when the negotiators return to the ground with a

solution which they cannot sell to the constituents of the conflict. That is the people they claim they were representing during the negotiations.

The study establishes that the Somali problem is more of the latter than the former. It concludes that the construction of the ethnicity began during colonialism and continued throughout the independence period. The objectives of the colonial construct however were different from the post-independence ones. The colonialists used it to divide and rule while post-independence elites used it to appropriate resources and to stay in power. It is this trend that generated the conflict in the first place. It therefore becomes crucial that the management procedure should address this issue. In solving this problem the 14th Somali peace initiative ignored the problem and result was disastrous even with power sharing. The long term solution for Somalia should deal decisively with the problem of clannism by promoting equality of all groups and correcting injustices that favoured some at the expense of others.

Although the entry of IGAD into the Somalia conflict can be considered as a blessing in many ways it was also a curse at the same time. IGAD as a team had the strength of knowing the details of the conflict because they were locals and bound to have a long term strategy in managing this conflict. In addition, IGAD member states had the advantage of having relationships actors and therefore leverage. However, the main problem faced by IGAD as a team arose out of the fact that the members of the team lacked unity of purpose. This undermined decision making therefore weakening the ability of IGAD members as mediators.

The difficulty that IGAD experienced as a group has important lessons for such mediation. The strength of the intervention lay in the involvement of a systemic approach that would have addressed the conflict in a holistic manner. A systemic approach avoids the pit falls of piece meal solution to a conflict; rather it helps to deal with the conflict in its entirety. Since

the Somalia conflict was internationalized it was necessary to consider the interests of all the actors especially both the regional and international players. However, the challenge of bringing into play the regional dimension was for the various divergent interests. This required coordination as a means of enabling the many mediators. The lack of coordination worsened in this case because the chief mediator lacked corresponding skills that could have lessened the situation. The study established that while the chairman to the TC/IFC was an experienced diplomat, he only had general mediation skills. Despite the exposure that the chairman had, he did not have sufficient knowledge to handle a complex mediation case like the one of Somalia. For example, he was involved in the mediation of the Uganda and Mozambique but the two were different from the Somali negotiations that involved faction alone. In addition, the general skills that he gained under those circumstances were not useful to the case in point. For one all the earlier mediations were between governments and rebels, the Somalia case was not.

The study concludes that multiparty mediation requires coordination amongst the mediators. Without proper coordination the exercise becomes confused and may not render any success. Further, the mediators involved in any mediation process should be skilled. Although there are people who are naturally endowed with such skills they remain insufficient to handle complex mediation skills. The study established that mediators who may be involved in modern mediation require sufficient education and training. Obviously, current conflicts are complex not only because of the nature of issues involved but also due to the sheer number of actors. A complex conflict must be managed through a complex methodology.

8.4 Findings on Mediation Process

The mediation process was dogged by many changes however the main one was the appointment of a new chief mediator at a crucial point during the negotiations. The appointment of Kiplagat to replace Mwangale at the time that the committees were in negotiating issues did more harm than good for the process. The change was the result of the departure of Moi who had retired in 2002. Those in the new regime felt need to replace all Moi appointees as a way of delinking with the past. While Mwangale lost his position as special envoy to Kiplagat, Sumbeiywo who was also a Moi appointee retained his position in the Sudan peace process. The outcomes of the Somali and Sudan peace processes speak for themselves. Whereas the Sudanese Agreement was comprehensive, the basis of the Somalia agreement was a Transitional Federal Charter. Largely, this change of the mediator mid stream and the subsequent ones affected not only the diplomatic momentum but also the script for negotiation and the style of mediation.

Apart from this the dynamics also changed between the actors and this result impacted finally on the outcome. One important aspect of the change was the entrenchment of the process into the Kenya ministries. This not only subjected the process to unnecessary bureaucracy but also exposed it to institutional completion. The impact of changes in the script on the outcome is that the original focus of reconciliation and negotiated solution was abandoned for the easier option of government formation. The change in mediation style was based on idiosyncratic factors and history of the special envoys. While Mwangale shared a history with Moi, Kiplagat lacked such a background and this undermined his leverage on the Somalia factions. Whereas he was a career diplomat and had an advantage in working closely with the ministry, it meant that he could only access the appointing authority through the ministry officials unlike his predecessor who could call the president directly. This affected his position as special envoy and

his mediation style. As a special envoy he could not claim to be speaking for the president with whom he lacked direct contacts. Consequently his leverage on the Somalis was undermined.

The negotiated solution arises out of the changes in the structure of the negotiation process. Prior to the entry of a third party the structure of negotiation is dyad. However, the entry of a third party leads to changes in the structure of negotiations from a dyad to a triad. A negotiated solution is reached when the third party forms an alliance with one party against the other. Even multiparty negotiations like the Somalia one eventually take this basic shape of negotiations once parties in the negotiations form alliances. Central coalitions are at the basis of this dynamics of getting solution through negotiations.

The process of creating a central solution very much depends on how skilled the mediator is and how ready the parties are. The latter condition however, is also subject to the first since the mediator influences the readiness. While a central coalition based on extremists may not result in a long term solution, equally one that is derived based on moderates is potentially weak because it is shaky. The strongest central coalition arises out of collaborators whose ripeness and readiness to negotiate is very high.

8.5 Theoretical Perspectives

The basis of negotiations is an amicable solution to the problem that is mutually arrived at by the parties themselves. Within the thinking is engrained the belief that what the parties mutually agree on is easier to implement on the ground. It is on this basis that conflict resolution is preferred to conflict settlement. But the resolution of conflict requires that the underlying sources of conflict which are generally considered to be long term must be addressed. The failure to recognize that the Somalis are not homogenous weakens the search for a comprehensive solution that addresses the ethnic dimension. Ethnicity remains a major obstacle to finding a long

lasting solution. While any solution that ignores this aspect of the conflict cannot be in the long term, a solution that takes it into consideration may require that its basis be reconciling the various Somali clans. The assumption that Somalis are homogenous is misleading and may not be useful in obtaining a solution to the problem. The implication of taking ethnic consideration into the management of conflict has far reaching consequences on the methodology to be used. When mediators ignore the belief that there is no ethnicity then, resultant animosity and competition is ignored at the expense of a lasting solution.

Proceeding from the view that reconciliation is at the core of finding a solution, a mediator bent on creating a central coalition cannot ignore the fact that for such a coalition to be long lasting it must arise out of collaborators and not extremists or moderates. The stability and long term result depend on the identifying the collaborators and moderates. The task is not easy and therefore requires more than general diplomatic skills arising out of practice. Rather theoretical knowledge on conflict resolution is necessary because it helps in the analysis and therefore proper understanding of the conflict itself. Without proper understanding of the conflict it is difficult to come up with relevant strategies for a unique peace process like the Somalia one.

On the basis that the Somalia conflict is internationalized and therefore regional and international interests cannot be ignored in its resolution, there is need for careful thinking about coordination. While the region is divided not only on the question of Somalia but also on other matters that are mirrored within the Somalia setting, the management of the conflict is rendered complex. It requires not only consideration of regional interests in Somalia but also the involvement of all actors in finding the solution. However, the inclusion of all the actors and their interests and issues leads to complexity in the management process thus giving rise to the nightmare of coordination. To be able to reduce this process it is necessary to factor in apart from

ripeness the readiness of the region as part of the process for creating readiness which may require that the regional states engage first in negotiating their differences. Once this is done, a common and coordinated effort would be easier to launch in Somalia. This will also mean having a contact group. The basis of having a contact group is simply to bring in a regional coordinating organ unlike the one that emerged within the troika. A regional contact group had the advantage of having details of the conflict, being directly in touch with some of the groups and strategically being able to stay longer within the conflict. Within such a group the dynamics of the multiparty mediators in terms of their interests is dealt with and a common ground reached before undertaking the task of managing conflicts. But such a group may also require expertise in various fields. Conflict management therefore is a complex exercise that cannot be left to political appointees. The need for collaboration between different actors is glaring especially in protracted internal conflicts. This may require not only the presence of academics but also other groups like intelligence officers who gather information.

Mediation unlike other activities relies on diplomatic momentum. This helps in maintaining not only continuity but also in moving the process towards a conclusion. The Somali peace process took too long because of changes that impacted negatively on diplomatic momentum. One of such changes came about as result of political changes in the host country. The resultant changes in negotiation script, style and dynamics slowed down the process and gave rise to confusion. The genesis of all the changes was the change in the mediator mid stream at a time when the negotiations were at a critical point. The slowed process created opportunity for spoilers and reversed the gains already made. Continuity of the process helps in building trust and history. However any change in the process undermines this trust. For example a change of

the chief mediator is detrimental because trust that one mediator has built is not transferable to another.

The consideration of power sharing as a means for resolving internal conflicts has gained currency in recent times. Power sharing takes many dimensions. Although traditional power sharing is based on political dimensions only current thinking advocates for a multiple approach to power sharing. The belief here is that the more dimensions, of power sharing in an agreement the more stable the outcome becomes. In the Somalia peace process the agreement took the traditional dimension. It ignored other key elements like DDR which later came to haunt the implementation of the agreement.

8.6 Hypothetical Assumptions

From an epistemological and methodological perspective, this research involved a case study so it may not generalize. Generalizations are usually done from many cases which then ensure the validity and reliability of data collected. Validity and reliability are important more especially in qualitative research. Criticisms of inductivism indicate that it is not possible to generalize from case studies except, under special circumstances where one observes multiple cases. It is only under those circumstances that one can really draw reliable generalizations about an event. Although this study is a single case it also draws from others done in Africa and elsewhere to draw general conclusions. For example in Africa, the negotiations in Uganda and Zimbabwe and those in El Salvador and Guatemala in Latin America, give useful information. By taking into consideration these other cases done by other scholars this research essentially creates a generic base for multiple observations. It is this generic base that enables generalizations to be made. This provides an escape way from criticisms about single cases thus validating the findings. Reliability is also achieved since its conclusions are not derived from this

case alone but incorporates observations and conclusions of other case studies done by other scholars like Stedman, Assefa and Mwagiru among others. To strengthen the methodology two approaches were employed to collect and analyze the data. Within case analysis and cross case analysis. Within case analysis approach helped the research to find new variables in aspects of the case study. Cross case approaches helped in capturing different aspects from a comparative perspective by drawing on conclusions of other scholars. From this understanding the case study provides a heuristic advantage from which new variables and hypotheses may be constructed.

8.6.1 Objective One-hypothesis

Following from the first objective of the study a hypothesis can be constructed. Focusing on concerns of parties to a conflict a number of scholars conclude that negotiated solutions cannot be obtained unless the conflict is highly internationalized. This is because stakes in civil wars are high and may be viewed as indivisible. In this case the only way to achieve a solution is when guarantees are provided by third parties. It follows that negotiations involving a government side would be more likely to get more international attention and therefore result in durable solution. Based on this claim, the hypothesis is that negotiations involving factions only yield less durable solutions than those involving governments. The conclusion drawn is thus that for such negotiations to succeed there must other ways of focusing the interest and commitment of the international community on them. Without sufficient support from the international community it is difficult as the literature review pointed out to guarantee and finance the outcome. In this case outcomes with less support are bound to fail while those with required support succeed.

8.6.2 Objective Two-hypothesis

Literature on mediation points out that multiparty mediation requires coordination. Multiparty mediation arises where many parties have an interest in the conflict or its outcome because they all become involved in trying to protect their interests during the negotiations. One way of reducing the tensions and chaos that result from the participation of multiparty mediators is to create a contact group that assumes the responsibility for coordination. It is at this level (contact group) that mediator's divergent interests are sorted out and decision making made less acrimonious. The study establishes that from this assumption that uncoordinated multiparty mediation may not yield any solution.

The study therefore concludes on the basis of this claim that a multiparty mediation is more likely to be effectively coordinated if there is dual ripeness, willingness and readiness, than when there is only ripeness and readiness from the parties alone. The study thus calls for the need to realize willingness, readiness and ripeness at two levels internally and externally before engaging multiparty mediators. This study recommends that circumstances can be achieved by allowing members of the mediation team to first engage in mediating their differences. In other words the mediation should be preceded by negotiating an agreement between the mediators.

8.6.3 Objective Three- hypothesis

Many scholars suggest that power sharing is a useful way of negotiating a solution to internal conflicts. This study from the review of literature establishes that the traditionally view of power sharing is too narrow and it concludes that there is need to adopt the current and broader perspective. The adopting the new meaning more safeguards are introduced and this implies durability and a better chance for peace. In the Somalia case the basis of power sharing

was the 4.5 formula that covered only the political aspects. This meant that the agreement was to narrow and lacked in alternative safeguards for peace.

Building from this perspective a specific third hypothesis is that outcomes that are based on 4.5 clan political power sharing are less likely to resolve the Somali problem than those that take a into consideration a broader view of power sharing. The 4.5 formula on its own is therefore insufficient to guarantee peace however it is a good starting point because it guarantees the principle of inclusivity. The 4.5 formula may be strengthened through other guarantees such equitable resources sharing, a negotiated DDR strategy and security sector reforms.

The study's objectives have been achieved. Firstly, it has assessed the negotiation process with a view to giving an accurate description of the events that took place. In this case the study has given a detailed account which forms a historical record of the events as they took place. In addition the study provided an analytical perspective of these events as an explanatory basis. It is on this account that the conclusions were derived. Proceeding from these objectives the study's hypotheses were confirmed. Although ripeness is the most referred to condition for success in negotiations theory and literature, however this study confirms that there are others. The findings show that success in negotiations that involve factions alone both internal dynamics and external factors play a crucial role. Further analysis show that in addition the new conditions for success are not only applicable to internal dynamics of negotiating parties but also to regional and international levels.

Whereas theoretically, internal circumstances influence relationships between the negotiating parties, externally the conditions affect relationships between the mediators themselves and as well as the parties. In this regard the negotiations must view success of negotiation as a function of variables ranging from those that apply to the mediators to those that

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apply to the parties. This study therefore proves that a holistic approach is necessary to deliver an outcome that would apply. Lastly, the study establishes that mediation success is a function of multiple and broader factors that range from characteristics of the mediator, relationships of the parties to regional and international dynamics. This means that negotiation under these conditions must take into account the complexities involved in order to succeed.

Considering the objectives of this study and its methodology, the hypotheses drawn are assumptions based on the observations. The popular refrain that observations are theory laden does not mean that they are theory determined. On this basis the research progressed on the basis of theory building through induction. In this sense it has some heuristics advantages. The suggested new variables of willingness and readiness create new areas of study which through deductive methods may lead to further affirmation and building of substantive theory in these kinds of negotiations. Following, the uncoordinated nature of multiparty mediation, further, research may be conducted to establish how multiparty mediators may negotiate an agreement prior to a mediation process. Secondly, trying to examine the outcomes of the 4.5 formulae further research may be conducted to establish whether more elements of power sharing in an agreement guarantee and durable peace or not. Lastly, further research is required to establish whether negotiations that involve factors alone yield less durable solutions that those involving governments and rebels.

BIBLIOGRAPHY

Anthorpe R., "Introduction," in R. Anthorpe (ed) *From Tribal Rule to Modern Government.* (Lusaka: Rhodes Livingstone Institute, 1959)

Assefa Hizkias, *Mediation of Civil Wars: Approaches and Strategies-The Sudan Conflict* (Boulder: Westview Press, 1987)

Azar Edward, "Protracted International Conflict: Ten Propositions," in Harvey Starr (ed) *The Understanding and Management of Global Violence* (New York: Martin's Press, 1999)

Azar E.E., "Protracted International Conflicts: Ten Propositions," in F. Dukes & J. Burton (eds), *Conflict: Readings in Management and Resolution* (Macmillan Press, 1990)

Ballentine Karen & Jake Sherman, "Introduction," in B. Karen, & J. Sherman (Eds) *The Political Economy of Armed Conflict: Beyond Greed and Grievance* (Boulder: Lynne Rienner, 2003)

Bedal Mats and David M. Malone (eds) *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynn Rienner, 2000)

Bercovitch J., "Mediation in International Conflict: An Overview of Theory, A Review of Practice," in I.W. Zartman and J.L. Rasmussen (eds) *Peacemaking in International Conflict: Methods and Techniques* (Washington DC: United States Institute for Peace, 1997)

Bercovitch J., "Mediation in International Conflicts: Theory and Practice," in I. W. Zartman and J. L. Rasmussen (eds) *Peacemaking in International Conflict: Methods and Techniques* (Washington DC: United States Institute for Peace, 1997)

Bercovitch J., *Social Conflicts and Third Parties: Strategies of Conflict Resolution* (Boulder: West view, 1984)

Berridge G.R., *Diplomacy: Theory and Practice*, 3rd edition (London: Palgrave, 2005)

Bohen A. Adu., *African Perspectives on Colonialism* (Baltimore: John Hopkins University Press, 1987)

Brockman R.E. Drake, *British Somaliland* (London: Hurst & Blackett, 1912)

Brown E. M., "Causes and Implications of Ethnic Conflict," in Michael E. Brown (ed) *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993)

Brown E. M., (ed) *International Dimensions of Internal Conflicts* (Cambridge: Lanham, 1999)

Brown Seyoun, *New Forces Old Forces: And the Features of World Politics, Post Cold War Edition* (New York: Harper Collins, 1995)

Burton J.W., *Conflict: Human Needs Theory* (New York: St Martin's Press, 1990)

Burton John W., *Conflict Provention, Resolution and Prevention* (New York: Macmillan, 1990)

Burton J. W., *Systems, States Diplomacy and Rules* (Cambridge: Cambridge University Press, 1968)

Cohen Ronald & John Middleton (eds), *From Tribe to Nation in Africa* (Scranton: Chandler Publishers, 1970)

Colletta Nat, Markus Kostner & Ingo Wiederhofer, *The Transition from War to Peace in Sub Saharan Africa* (Washington DC: World Bank 1996)

Collier Paul, "Doing Well Out of War," in M. Berdal and D. Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner, 2002)

Conca Ken & G.D Dabelko (eds) *Green Planet Blues: Environmental Politics From Stockholm to Johannesburg* (Boulder: Westview Press, 2000)

Conca Ken & G.D Dabelko (eds) *Environmental Peacemaking* (Woodrow Wilson Press and John Hopkins University Press, 2002)

Contini Paolo., *The Somali Republic: An Experiment in Legal Integration.* (Sussex: Frank Cass, 1969)

.Cooper Neil, M. Pugh & Jane Goodhand, *War Economies in a Regional Context: The Challenges of Transformation* (Boulder: Lynne Reinner, 2004)

Copson Raymond W., "Peace in Africa? The Influence of Regional and International Change," in I.W. Zartman & F.M. Deng (eds) *Conflict Resolution In Africa* (New York: Brookings Institution, 1991)

Corbin J., *The Norway Channel* (New York: Atlantic Monthly Press, 1994)

Crocker Chester et.al, *Herding Cats: Multiparty Mediation in Complex World* (Washington DC: United States Institute of Peace Press, 1999)

Crocker Chester et.al (eds) *Managing Global Chaos* (Washington DC: United States Institute for Peace Press, 1996)

Curle Adam, *Making Peace* (London: Travistock Publications, 1971)

Davidson A.B., "African Resistance and Rebellion Against the Imposition of Colonial Rule," in T.O. Ranger (ed) *Emerging Themes of African History* (Nairobi: East Africa Publishing House, 1968)

Davies J., Harft, B. and Speca, A. Dynamic, *Data for Conflict Early Warning: Synergy in Early Warning* (Toronto: Centre for International and Security Studies, 1997)

Deng Francis et.al, *Sovereignty As Responsibility: Conflict Management in Africa* (Washington DC: Brookings Institution, 1996)

De Sato A., "Ending Violent Conflict in El Salvador," in C.A. Crocker, F. A. Hampson & P. Aall (eds) *Herding Cats; Multiparty Mediation in a Complex World* (Washington DC: US Institute of Peace, 1999)

Deutsch Karl et.al. *The Political Community and the North Atlantic Area* (Princeton: Princeton University Press, 1957)

Doornbos Martin., "The Ogaden After 1991: What are the Options?" In Hussein M. Adam and R. Ford (eds) *Mending Rips In the sky: Options for Somali Communities In the 21st Century* (Asmara: The Red Sea Press, 1997)

Druckman Daniel, "Negotiating in the International Context," in William I. Zartman and J.L Rassmussen (eds) *Peacemaking International Conflict: Methods and Techniques* (Washington DC: US Institute of Peace Press, 1997)

Dukes E Frankline "The Structural Forces in Conflict and Conflict Resolution in Democratic Society," in Ho-Won Jeong (ed) *Conflict Resolution: Dynamics, Process and Structure* (Aldershot: Ashgate Publication, 1999)

Edmead Frank, *Analysis and Prediction in International Mediation* (New York: UNITAR, 1971)

Elazar Daniel J., "Federalism," in Seymour M. Lipset, *The Encyclopedia of Democracy*, Vol. II (London: Routledge, 1995)

Ernest Gellener, *Power and Choice: An Introduction to Political Science* 5th edn (New York: McGraw-Hill, 1997)

Fallers L.A, *Bantu Bureaucracy* (Cambridge: Heffers & Sons, 1956)

Fieldhouse D.K., *Colonialism 1970-1945: An Introduction* (London: Weidenfeld & Nicholson, 1981)

Gann L.H. & P. Diugnan (eds) *Colonization in Africa,* 5 Vols. (Cambridge: Cambridge University Press, 1969)

Garnett John., "The Causes of War and the Conditions of Peace," in John Baylis, I. Wirtz, Cohen E. & Colins Gray (eds) *Strategy in the Contemporary World: An Introduction to Strategic Studies* (Oxford: Oxford University Press, 2002)

Gassim Miriam Arif, *Somalia: Clan Vs Nation.* (Dubai: UAE Sharjah, 2002)

Gann L.H. & P. Duignan, *Burden of Empire* (London: Pall Mall, 1967)

Gurr Ted R, *Why Men Rebel* (Princeton: Princeton, 1970)

Gurr Ted Robert, *Minority at Risk* (Washington DC: US Institute of Peace, 1993)

Haas Richard *Conflicts Unending: The US and Regional Disputes* (New Haven: Princeton University Press, 1990)

Hagi Aves O. & Abdiwahid O. Hagi, *Clan, Sub clan and Regional Representation in the Somali Government Organization 1960-1990: Statistical Data and Findings.*

Hargreaves I. D., *Prelude to the Partition of West Africa* (London: Macmillan, 1963)

Heinrich Wolfaang, *Building the Peace: Experience of Collaborative Peace building in Somalia 1993-1996* (Uppsala: Life & Peace Institute, 1997)

Hobson J.A, *Imperialism: A Study* (Ann Arbor: University of Michigan Press, 1965)

Holl Jane (ed) *Preventing Deadly Conflict: Carnegie Commission on Preventing Deadly Conflict* (New York: Carnegie Corporation, 1997)

Holsti Kalevi, *The State, War and the State of War* (New York: Cambridge University Press, 1996)

Hopkins A.G., *An Economic History of West Africa* (London: Longman, 1973)

Hopmann Terrence P., The *Negotiation Process and the Resolution of International Conflicts* (Columbia: University of South Carolina Press, 1996)

Hunt J.A., *A General Survey of the Somaliland Protectorate, 1944-1950* (London: Crown Agents, 1951)

Jackson Robert, *Quasi-States: Sovereignty, International Relations and the Third World* (New York: Cambridge University Press, 1990)

Kawegyere T.B , *The Politics of States Formation* (Nairobi: East African Publishing House, 1974)

Kenneth Stein and Samuel Lewis, "Mediation in the Middle East," in Chester Crocker et.al (eds) *Managing Global Chaos* (Washington DC: United States Institute for Peace Press, 1996)

Keohane Robert O, "Hobbe's Dilemma & Institutional Change in World Politics: Sovereignty in International Society," in Hans-Henrick Holm and Georg Sorenson (eds) *Whose World Order: Uneven, Globalization and the End of the Cold War* (Summer town: West view Press, 1995)

Kingman Kees, "Demobilization, Reintegration and Peace building in Africa," in Edward Newman & Albrecht Schnabel (eds) *Recovering from Civil Conflict: Reconciliation, Peace and Development* (London: Frank Cass, 2002)

Kriesberg Louise, *International Conflict Resolution* (New Haven: Yale University, 1992)

Kuper I., "Some Aspects of Urban Plural Societies," in RIystad (ed). *The African World.* (New York: Preager, 1965)

Lake, D and Rothchild, D. (eds), *The International Spread and Management of Ethnic Conflict* (Princeton: Princeton University Press, 1997)

Last David, "The Human Security Problem-Disarmament, Demobilization and Reintegration," in *A Source Book on the State of the Art in Post Conflict Rehabilitation*, unpublished report for Southern Lebanon (York: PRDU, University of York, 1999)

Le Billion Phillipe, "The Political Economy of Resource Wars," in Jakkie Cilliers and Christian Dietrich (eds) *Angola's War Economy: The Role of Oil and Diamonds* (Pretoria: Institute of Security Studies, 2000)

Lenin VI., *Imperialism: The Highest Stage of Capitalism* (Moscow: Progress Publishers, 1983)

Lewis I.M., *A Modern History of Somalia: Nation and State in the Horn of Africa.* (1979).

Lewis I.M., *A Modern History of Somalia: Nation and State in the Horn of Africa* (Boulder: Westview Press, 1988)

Lewis I.M., "Nationalism and Particularism in Somalia," in P.H. Gulliver (ed) *Tradition and Transition in East Africa: Studies of Tribal Element in Modern Era.* (Berkeley: University of California Press, 1969)

Lewis I.M, "The Nation, State and Politics in Somalia", in David R. Smoke and Kwamena Bentsi (eds) *The Search for National Integration in Africa* (New York: The Free Press, 1975)

_____, *Blood and Bone: The Call of Kinship in Somali Society* (New Jersey: Red Sea Press, 1993)

Lind Jeremy and Kathryn Sturman (eds) *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Pretoria: Institute of Security Studies, 2002)

Mamdani Mahmood., *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda* (Princeton: Princeton university Press, 1999)

Maslow A.H, *Motivation and Personality* (New York: Harper Row, 1970)

Mazrui Ali & Tidy, *Nationalism and the New States in Africa* (London: Heinemann, 1984)

Metz Helen Chapin., (ed) *Somalia: A Country Study* (Washington, 1993)

Michael Pugh, *War Economies in the Regional Context: Challenges of Transformation* (London: Lynne Rienner, 2004)

Mitchell C.R. & K.Webb, *New Approaches to International Mediation* (Westport: Greenwood, 1988)

Milne Aileen, *Teach Yourself Counseling* (California: McGraw-Hill, 2007)

Mwagiru, Makumi, *Diplomacy: Documents, Methods and Practice* (Nairobi: Institute of Diplomacy Publication, 2004)

Mwagiru Makumi. "The Diplomacy of Conflict Management: Conflict and Cooperation in Kenya's Foreign Policy." *A Paper done for the Institute of Diplomacy and International Studies*, University of Nairobi, 1999

Mwagiru Makumi, *Conflict: Process, Theory and Institutions of Management* (Nairobi: Watermark Publishers, 2000)

Moore Christopher W., *The Mediation Process: Practical Strategies for Resolving Conflict* (San Francisco: Jossey- Bass, 1996)

Moyse H. Bartlett., *The King's African Rifles* (Aldershot: Gale & Polden, 1956)

Nye Joseph., *Peace in Parts* (Boston: Little Brown, 1971)

Nye Joseph., *Understanding International Conflicts: An Introduction to Theory and History* (New York: Harper Collins, 1993)

Okoth Assa., *A History of Africa* 1855-1914 (Nairobi: East African Publishers, 1978)

Princen Thomas, *Intermediaries in International Conflict* (Princeton: Princeton University Press, 1992)

Pruitt Dean, *Negotiation Behavior* (New York: Academic Press, 1981)

Pugh Michael & Neil Cooper, *War Economies in a Regional Context: Challenges of Transformation.* (Boulder: Lynne Rienner, 2004)

Renner Michael., "Breaking the Link Between Resources and Repression" in Linda Starke(ed) *State of the World 2002* (New York: W.W. Norton & Co., 2002)

Reno William, *Corruption, and State Politics in Sierra Leone* (Cambridge: Cambridge University Press, 1995)

Reno William, *Warlord Politics and African States* (Boulder London: Lynne Rienner, 1998)

Robinson R. E. & L. Gallagher, *Africa and the Victorians* (London: Macmillan, 1961)

Rodney W., *How Europe Underdeveloped Africa* (Dar-es-Salaam: Tanzania Publishing House, 1972)

Roberts Adams, "The United Nations and International Security," in Michael E Brown (ed) *Ethnic Conflict and International Security* (New Jersey: Princeton University Press, 1993)

Rubin Jeffrey, "Actors in Negotiation," in Victor Kremenyuk (ed) *International Negotiation: Analysis, Approaches, Issues* (New York: Jossey Bass, 2002)

Rubin Jeffrey Z., "International Mediation in Context," in Jacob Bercovitch and J. Z. Rubin (eds) *Mediating in International Relations* (New York: St. Martin's Press, 1992)

Rubin Jeffrey, "The Timing of Ripeness and Ripeness of Timing," in L. Kriesberg & S.J. Thornson (eds) *Timing the De-escalation of International Conflicts* (New York: Syracuse University Press, 1991)

Saunders Harold H., "Pre-negotiation and Circum-negotiation: Arenas of the Peace Process," in Chester Crocker, Fen Hampson and Pamela Aall (eds) *Managing Global Chaos* (Washington, D.C.: United States Institute of Peace Press, 1996)

Samatar Ahmed, *Socialist Somalia: Rhetoric and Reality* (London: Zed Books, 1988)

Simons Anna, "Somalia: The Structure of Dissolution," in Leonardo A. Villalon and P.H. Huxtable (eds) *The African State at A Critical Juncture: Between Disintegration and Reconfiguration* (Boulder: Lynne Rienner, 1998)

Skjelsbaek Kjell and Gunnar Fermann, "The UN Secretary General and the Mediation in International Disputes," in Jacob Bercovitch (ed) *Resolving International Conflict: The Theory and Practice of Mediation* (Boulder, CO & London: Lynne Rienner, 1996)

Smith Anthony, "The Origin of Nations," in John Hutchison and Anthony D. Smith (eds) *Nationalism* (Oxford: Oxford University Press, 1994)

Staub Ervin., *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989)

Steadman Stephen J., *Peacemaking in Civil War: International Mediation in Zimbabwe, 1974-1980* (Boulder: Lynne Reinner, 1991)

Strazzari Francesco, "Between Ethnic Collusion and Mafia Collusion: The Balkan Route to State Making," in Dietrich Jung (ed) *Shadow Globalization, Ethnic Conflicts and New Wars: A Political Economy of Intra-State War* (London: Routledge, 2003)

Stuyt Alexander, M., (ed) *Survey of International Arbitrations*, 1794-1989, 3rd edn (Dordrecht: Martin Nijhoff, 1990)

Taylor Peter J., *Political Geography: World Economy, Nation-State and Locality* (Essex: Longman, 1996)

Touval Saadia and I.W. Zartman, "Mediation Theory," in S. Touval & I.W. Zartman (eds) *International Mediation in Theory and Practice* (Boulder: Westview Press, 1985)

Touval Saadia., *Somali Nationalism.* (Massachusetts: Harvard University Press, 1963)

Touval S., "The Superpowers as Mediator," in J. Bercovitch & J.Z. Rubin, *Mediation in International Relations* (New York: St. Martins, 1992)

Umbritch Victor H., *Multilateral Mediation: Practical Experiences and Lessons* (The Hague: Martinus Nijhoff, 1989)

Uziogwe G.N., *Britain and the Conquest of Africa* (Ann Arbor: University of Michigan, 1974)

Waltz Kenneth N., *Man, State and War* (New York: Columbia University Press, 1968)

Watts Donald, *Comparing Federal Systems* 2nd ed (Montreal: McGill-Queens University Press, 1999)

Woodward Susan L., "Economic Priorities for Successful Peace Implementation," in Stephen Stedman et al, *Ending Civil War: The Implementation of Peace Agreements* (Boulder: Lynn Rienner, 2002)

Wunsch J.S., "Development Administration in Africa: 1960-1990," in Mark W. De Lancey (ed) *Handbook of Political Science Research on Sub Saharan Africa: Trends from 1960s to the 1990s* (Westport: Greenwood, 1992)

Wunsch James and Dele Oluwu (eds) *The Future of Centralized State: Institutions and Self-Governance in Africa* (Boulder: Westview, 1990)

Zartman I. William, "African Regional Security and the Changing Patterns of Relations," in E.D. Keller and D. Rothchild (eds) *Africa In the New International Order: Rethinking State Sovereignty and Regional Security* (Boulder: Lynne Reinner, 1996)

Zartman I.W (ed) *Elusive Peace: Negotiating an End to Civil Wars* (Washington: Brooking Institutions, 1995)

Zartman I.W. and G.O.Faure (eds) *Escalation and International Negotiation* (Cambridge: Cambridge University Press, 2005)

Zartman I. W. (ed) *Governance as Conflict Management: Politics and Violence in West Africa.* (Washington DC: Brookings Institution's, 1996)

Zartman I.W., *Ripe for Resolution: Conflict Intervention in Africa* (New York: Oxford University Press, 1985)

Zartman I.W., "Ripeness: The Hurting Stalemate and Beyond," in Paul Stern and Daniel Druckman (eds) *International Conflict Resolution After the Cold War* (Washington DC: National Academy Press, 2000)

Zartman I.W. and M. Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982)

Zolberg Aristide R., *Creating Political Order: Party -State of West Africa* (Chicago: McNally, 1966)

Journals

Adam Hussein. "Somalia: Militarism. Warlordism or Democracy?" *Review of African Political Economy*, No 54 (1992)

Bercovitch Jacob and Paul Diehl, "Conflict Management of Enduring Rivalries: The Frequency, Timing and Short-Term Impact of International Mediation," *International Interactions* 22 (1997) pp.299-320

_____, "International Negotiations and Conflict Management: The Importance of Pre negotiation," *The Jerusalem Journal of International Relations*, Vol 13 No.1 (1991) pp.7-21

_____, and Judith Fretter, "Regional Guide to International Conflict and its Management," *Washington DC Congressional Quarterly*, 2004

_____, P. Diehl and Garry Goertz, "The Management and Termination of Protracted Interstate Conflicts: Conceptual and Empirical Considerations," *Millennium: Journal of International Studies* 26 (1997) pp.751-769

_____, and Houston. "Why Do They Do It Like This? An Analysis of Factors Influencing Mediation Behavior in International Conflicts, "*Journal of Conflict Resolution* 44 (2000) pp.170-202

_____, Agnoson, J.T., & Wille, D "Some Contextual Issues and Empirical Trends in the study of successful Mediation in International Relations," *Journal of Peace Research* Vol. 28 (1991) pp.7-17

_____, and Houston A., "Influence of Mediator Characteristics and Behavior on the Success of Mediation in International Relations," *International Journal of Conflict Management* No. 4(1993) pp...??

_____ & Langley, J., "The Nature of Dispute and the Effectiveness of International Mediation," *Journal of Conflict Resolution* No. 37 (1993) pp.670-691

Bram Steven., "Theory of Moves." *American Scientist*, 81 (1993) pp. 562-70

Cohen R, "Political Anthropology: The Future of a Pioneer," *Anthropological Quarterly* 38, Vol.3 (1965) pp. 117-131

Collier Paul, "Demobilization and Insecurity: A Case Study in the Economics of Transition from War to Peace," *Journal of International Development* Vol 6, No.3 (1994)

Davies James., "Towards a Theory of Revolution" *American Sociological Review* 27 Vol. 1 (1962) pp.5-10.

Druckman Daniel, "Determinants of Compromising Behavior in Negotiation: A Meta-Analysis," *Journal of Conflict Resolution* Vol. 38, No.3 (1994) pp.507-56

Fisher Ronald J., "Third-Party Consultation as Method of Intergroup Conflict Resolution: A Review of Studies," *Journal of Conflict Resolution* Vol. 27 No.2 (1983) pp.301-34

Fisher R.J. & L. Keashly, "The Potential Complimentarity and Consultation within a Contingency Model of Third Party Consultation," *Journal of Peace Research* 28, 1, (1991) pp.21-42

Fried M.H., "On the Concept of "Tribe" and "Tribal" Society," *Transactions of the New York Academy of Sciences.* Series No.28 (1966) pp.527-540

Galtung J., "Cultural Violence *"Journal of Peace Research* Vol. 27 (1991) pp.291-305

Galtung J., "Violence, Peace and Peace Research" *Journal of Peace Research* Vol.3 (1969) pp.167-191

Greig Michael John, "Movements of Opportunity," *Journal of Conflict Resolution,* vol .45 no 6 (2001) pp. 691-718

Greig, J. Michael, "Stepping into the Fray: When Do Mediators Mediate?" *American Journal of Political Science* 49, 2, (2005) pp..???

Hass Robert., "The Mad Muller and Northern Somalia," *Journal of African History* Vol. 5 No. 3 (1964) pp 4I5-33

Herman Charles F., "Changing Course: When Governments Choose to Redirect Foreign Policy," *International Studies Quarterly* 34 (1990) pp.3-21

Iji Tetsuro, "Multiparty Mediation in Tajikistan: The 1997 Peace Agreement," *International Negotiation*, 6 (2001) pp.357-385

Kahn Robert L., "Organizational Theory," in Victor A. Kremenyuk (ed) *International Negotiation: Analysis, Approaches, Issues* (New York: Jossey Bass, 2002) p.161-162

Keen David, "Economics of Violence," *Adelphi Paper* No. 320 (London: Oxford University Press, 1998)

Kingma Kees, "Demobilization of Combatants After Civil Wars in Africa and their Integration into Civilian Life," *Policy Science* Vol. 30, No. 3 (1997)

Kleiboer Marieke, "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution*, Vol.40, No. 2 (June 1996) pp. 360-389

Knight Mark and Alpalsan Ozerdem, "Guns, Camps and Cash: Disarmament, Demobilization and Reinserting of Former Combatants in Transitions from War to Peace," *Journal of Peace Research* Vol.41, No.4 (2004) pp. 499-516

Krause Keith and Oliver Jutersanke, "Peace, Security and Development in Post Conflict Environment," *Security Dialogue*, 36 (2005) p. 447

Kriesberg Loius, "Coordinating Intermediary Peace Efforts," *Negotiating Journal* 12, No.4 (1996) pp. 341-35

Lederach John.P., "In Pursuit of Dialogue," *Conciliation Quarterly*, Vol. 8, No.3 (1989) pp. 12-14

Lewis I.M., "Misunderstanding the Somali Crisis," *Anthropology Today* Vol.9 No.4 (1993)

Lewis I.M., "Historical Aspects of Genealogies in Northern Somali Social Structure," *Journal of African History*. Vo1.3, No.1 (1962) pp 35-48

Marshall Monty G. and T.R. Gurr, *Peace and conflict* (College Park: Center for International Development and Conflict Management, 2003)

Mitchell Christopher R., "Introduction," in Dean G. Pruitt, Wither Ripeness Theory, *Working Paper*, No.25, 2005

Mitchell Christopher, "The Right Moment: Notes on Four Models of "Ripeness," *Paradigms* 9, 2 (1995) pp 38-5

Mwagiru Makumi, "Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment," *African Review of Foreign Policy*, 1, 1(1999) pp 44-64

Mwagiru Makumi, "Kenya's Diplomacy of Conflict Management: Its Contribution towards Conflict Resolution in Africa," *South African Yearbook of International Affairs*, 2006

Mooradian Morad and Druckmann, "Hurting Stalemate or Mediation? The Conflict Over Nagorno-Karabakh, 1990-1995," *Journal of Peace Research* 36 (1999) pp 709-728

Perham Margery., "Psychology of African Nationalism," *Optima* 1O (1960) p 27-36.

Wallesteen Peter and Margaret Sollenberg., "Armed Conflict and Regional Conflict Complexes, 1989-1997," *Journal of Peace Research* Vol.35, No.5 (1998) pp.621-634

Pruitt Dean "Ripe Theory and the Oslo Talks," *International Negotiation* Vol.2 (1997) pp. 237-250

Rubin J.Z., "Experimental Research on Third Party Intervention in Conflict." *Psychology Bulletin* No. 87(1980) pp.379-391

Samatar Abdi, "Leadership and Ethnicity in the Making of African State Models: Botswana versus Somalia," *Third World Quarterly*, Vol.18, No.4 (1997) pp.687-707

Sanam Anderlini and Camille P. Conwell, "Disarmament, Demobilization and Reintegration," *Security Issues: International Alert* (2004) pp. 1-8

Saunders. H. Harold., "We Need a Larger Theory of Negotiation: The importance of Pre-Negotiation Phases," *Negotiation Journal*, Vol.1 (1985) pp. 249-262

Saunders Harold H., "We Need A Larger Theory of Negotiation: The Importance of Pre-negotiation Phases," *Negotiation Journal*, Vol.1 (1985) pp.249-262

Skjelsbaek Kjell, "The UN Secretary General and the Mediation of International Disputes," *Journal of Peace Research* 28 (1991) pp. 99-115

Stein Janice Gross, "Structures, Strategies and Tactics of Mediation: Kissinger and Carter in the Middle East," *Negotiation Journal* I. No.4 (1985)

Thornton Thomas Perry. "Regional organizations in Conflict Management," *Annals of the American Academy of Political and Social Sciences,* No. 521(1992) pp. 132-142

Touval Saadia, "Why the United Nations Fails," *Foreign Affairs* 73, No. 4 (1994) pp 44-57

Touval S., "Biased Intermediaries: Theoretical and Historical considerations," *Jerusalem Journal of International Relations* No.1 (1975) pp.51-69
_____, "The Context of Mediation," *Negotiation Journal* No.1 (1985)

Vlassenroot Koen & Hans Romkema, "The Emergence of a New Order? Resources and War in Eastern Congo, *"Journal of Humanitarian Assistance*, October, 28th 2002

Waszink Camilla, "Trends in Weapons Control and Disarmament in Peace Processes: Reflections on Guns, Fighters and Armed Violence in Peace Process," *Negotiating Disarmament*, Vol.1 (2008) March, pp.5-6

Zartman I.W. and S. Touval, "International Mediation: Conflict Resolution and Power Politics," *Journal of Social Issues*, 41, No.2 (1985)

Zartman I.W., Daniel Druckman, Lloyd Jensen, Dean Pruitt and Peyton Young, "Negotiation is a Search for Justice," *International Negotiation* 1(1996)

Articles, Newspapers, Reports and other Documents

Adow Jubat, "Somali Government by July," *East African Standard*, Nairobi, 31st May 2004

Aden Agreement, 5th January, 2006

Andrew Tele, "Hotel Throws Out Somali delegates," *East African Standard*, Nairobi, 12th May 2004

The United Nations' Charter
"An Atlas for Somalis," *UNDP-Data Information Management Unit*, 1st edn (2004)

The Transitional Federal Charter of the Somali Republic. *Document of the Somalia National Reconciliation Conference*, September 2003

Apolonia S. & A.A., "Castagno in periodical," *Africa Special Report*, December 1958

Barasa Lucas, "Somali Talks in Vital Phase," *Daily Nation*, Nairobi, 3rd December, 2002

Barbaar Haji Adan in Letter of Submission of Charter B to the Technical Committee, Nairobi, 23rd March, 2003

Berdal Mats, "Disarmament and Demobilization after Civil Wars," *Adelphi Paper 303* (London: International Institute for Strategic Studies, 1996)

"Blue Print Needed for Peace in Somalia: Peace talks in danger of collapsing," *International Crisis Group Media Release*, 6th March, 2003

"Brief on Phase Two of Somalia National Reconciliation Conference Mbagathi." To the Permanent Secretary Ministry of Foreign Affairs, Nairobi, 10th July, 2003

Bryden Matt, "Negotiating a Blueprint for Peace in Somalia," *International Crisis Group report*, 6th March 2003
_____, "Somali Crisis still Defies quick fixes," *Daily Nation*, Nairobi, 12th March, 2003

Castagno AA, "The Republic of Somalia," *Africa Special Report*, July 1960 p.90

Cathy, "Somali Factions Violate Ceasefire," *The East African*, Nairobi, 10th -16th February, 2003

Armstrong Andrea and Barnett Rubin, *Policy Approaches to Regional Conflict Formations*. Center on International Cooperation, 20 November 2002

Chege Mbitiru, "Somalis Finally edging towards Peace," *Daily Nation*, Nairobi, September 6th 2004

Committee Five, *Regional and International Relations Report*, Nairobi, March, 2003

Committee Five verbatim Report, *SNRC/Phase 2/verbatim/* Soy Club, Eldoret, 9th January, 2003

Committee Four, Economic Recovery, Institutional Building and Resource Mobilization, Draft Report Three, Nairobi, March, 2003

Committee Two's Report, *Disarmament, Demobilization and Reintegration Draft Report,* Eldoret, 3rd December, 2002

Committee Three's Report, Land and Property Rights, Eldoret, 28th March, 2003

Committee Six Report on Conflict Resolution and Reconciliation. *Document of the IGAD Somalia National Reconciliation Conference-Nairobi, 2003*

Committee Six Report, Document *Somalia National Reconciliation Conference*, Nairobi, May, 2003

David Mugonyi, "Kalonzo Fired From the Peace Talks," *Daily Nation*, Nairobi, 27th August, 2004

"Delegates Hinge Success of Somali Talks on Disarmament," *Daily Nation,* Nairobi, 25th November, 2002

Faria William and Stephen Makabila, "Somalia Talks: Delegates denied food," *The Standard,* Nairobi, December, 2002

"Diplomacy failing again in Somalia," *East African Standard*, Nairobi, May 22nd, 2004

Disarmament, Demobilization and Reintegration of Ex-Combatants in Peacekeeping Environment: Principles and Guidelines (New York: Lessons Learnt Unit, Department of Peacekeeping Operations, 1999)

Draft Agenda Phase Two: Committee Six, Conflict Resolution and Reconciliation, Eldoret, 4th December, 2002

Drafts of Harmonization Reports on Article 30 of the Somalia Transitional Federal Charter, Nairobi, 2004

"Experts Recommend UN Sanctions for Violations of Arms Embargo in Somalia," *UN News Center,* April 3, 2003

Farah Ibrahim Q., *"Dual Diplomatic Approaches in Conflict Management: The International Peace Initiatives in Somalia,* 1991-1998" MA Dissertation, unpublished, University of Nairobi, 2000

Figueriredo Rui de &Weingast "The Rationality of Fear" in Barbara Walters & J. Snyder (eds) *Civil Wars, Insecurity and Intervention (1999)*

Fried M.II., (ed). "Essays on the Problem of Tribe," *Proceedings of the* 1967 *Annual Meeting of American Ethnological Society,* Seattle, University Press, 1967

.Gakuu Mathenge, "Kenya's Top Diplomat is the Mediator," *Daily Nation,* Nairobi, October, 10th 2004

Gleichman Colin et al. *Disarmament, Demobilization and Reintegration: A Practical Field and Classroom Guide* (Frankfurt: GTZ, NODEFIC, 2002)

"Governance for Sustainable Human Development," *United Nations Development Program Report,* 1997

"Hotels paid Ksh. 87m for Somali Delegates," *Daily Nation*, Nairobi, December, 2002

Human Development Report, *UNDP Somalia* (1998)

James Anyanzwa, "Somali Faction Accuses Kiplagat," *Sunday Standard*, Nairobi, January 18th 2004

Lewis I.M., "In the Land of the Mad Mullah," *Sunday Times* (London) August 30th, 1992

List of faction leaders in Somalia, Document *of the Somalia National Reconciliation Conference*, Nairobi, 2002

Lucas Baraza, "Keep Peace, Kalonzo Urges Somali Bosses," *Daily Nation*, Nairobi, 5 February, 2004

Majtenyi Cathy, "Weapons Control the Key to Target of Somali Talks," *The East African*, Nairobi, 9-15th December, 2002

Malakwen Abraham, "Somalia Committed to Seeking Lasting Peace," *Daily Nation,* Nairobi, 17th October, 2002

Menkhaus Kenneth, "Somalia: The Political Order of a Stateless Society" *Current History* 97 (1998) pp????

Mburu Mwangi. "Peace for civil war-ravaged Somalia," *Special Report Daily Nation,* Nairobi, October, 10th 2004

Mbitiru C., "Egypt May soon Lose Control Over the Nile Waters" *Daily Nation* (Nairobi) 16th February, 2004

_____. "Somali Peace Talks Shift to Nairobi Next Week," *Daily Nation*, Nairobi, 12th February, 2003

_____, "Somali Factions Violate Ceasefire," *The East African*, Nairobi, 10th -16th February, 2002

_____, "Mogadishu Meeting "Not Parallel" to Nairobi Talks," *The East African*, Nairobi, April, 7th, 2003

_____, "Somali Fighter Suffer Mental Illnesses-Study," *The East African*, Nairobi, 7-13th April, 2003

_____, "Government team threatens to quit Somali talks," *Daily Nation*, Nairobi, 11th March, Majtenyi

Minutes of the Technical Committee and Plenary, Eldoret, 2nd December, 2002

Mohamed Aden, "Somalia peace talks proving futile: External interference and petty squabbles to blame for stalemate," *Daily Nation*, Nairobi, 7th March, 2002

Mohamed Shire Sudi, Chairman of group A in Letter of Submission of Charter A, to the Technical committee, Nairobi, 22nd March, 2003

Mohamed Adan, "Somalia Peace Talks Proving Futile: External Interference and Petty Squabbles to Blame for Stalemate," *Daily Nation*, Nairobi, 7th March, 2003

Muriithi Muruiki, "New Leader's Vision for Somalia," *Daily Nation*, Nairobi, October 10th 2004

Muriithi Muruiki, "Somali Leaders Vote for President," *Daily Nation*, Nairobi, October, 11th 2004

Muriithi Muriuki, "Somalia MPs Elect Speaker," *Daily Nation*, Nairobi, September, 17th 2004

Mwangi Githahu, "28 Join Race to Pick President," *Daily Nation*, Nairobi, October, 10th 2004

Otsieno Namwaya, "Do or Die as Somali Peace Talks Resume," *East African Standard*, Nairobi, March, 13th 2004 p.25

Otsieno Namwaya, "Somali Peace Talks Stall at the Critical Stage," *East African Standard*, Nairobi, March, 29th 2004

Patrick Mathangani, "Somali Talks Gets into Crucial Stage," *East African Standard*, Nairobi, 24th May 2004

Preamble by the Chairperson of group A in, Nairobi, Draft Charter A, 24th March, 2003

Preamble by the Chairperson of group B, Nairobi, Draft Charter B, 23rd March, 2003

Renner Michael and Hilary French, "Linkages between Environment, Population and Development" *Environmental Change and Security Project Report issue 10 (2001)*

Rubin Barnett R., "Regional Approaches to Conflict Management in Africa," presentation to UN Security Council Meeting, August 8th, 2001

Shabure Adan, "Somalia Officials boycott talks: Ethiopia Government has Infiltrated the Peace Initiative, they Charge," *Daily Nation*, Nairobi, 12th March, 2003

Scores Killed in Somali Fighting,' *Daily Nation*, Nairobi, 11 March, 2004

"Somaliland: Democratization and its Discontents," *International Crisis Group Report* no.66, Nairobi, 28th July, 2003

"Somalis to Pick New Leader and Set Up Government," *Sunday Nation*, Nairobi, October, 10th 2004

"Somali Warlord against Talks Ready for War," *Daily Nation*, Nairobi, September 7th, 2004

"Somali Warlords Give Presidents Hard Time," *Daily Nation*, 10 January, 2004

Submission Letter of the Arbitration Committee on Case No. 03/04 of the Somalia National Reconciliation Conference on the Distribution of the 61 parliamentary Seats Quota of the Darood, 27th July, 2004

"Thematic Data: Socio-Economic Survey 2002 on Somalia" Report *no. 1. Millenium Development Goals Report, UNDP 2004*

Terms of Reference for Committees, *Document of Somalia National Reconciliation Conference, SNRC/Ph 2/TC/TORs*, Eldoret, 2nd December, 2002

The 9th Summit of IGAD Assembly of Heads of State and Government, Resolution on Somalia, Khartoum, 11th January, 2002

Transitional Charter of the Republic of Somalia

Transitional Federal Charter of Somalia, Document of the Somalia National Reconciliation Conference, Nairobi, September, 15th 2003

United Nations Blue Book Series, Vol. VIII, (1996)

Wanyande Peter, "State Driven Conflict in the Greater Horn of Africa," *Paper presented at USAID Workshop on Conflict in the Horn of Africa*, Nairobi May 1997

"What Next for the President after Marende Ruling," *The Standard*, Nairobi, 3 May, 2009

Comprehensive Peace Agreement, Sudan, Nairobi, Kenya, 15th January, 2004

Draft of Charter A and B, *Documents of Somalia National Reconciliation Conference*, Nairobi, March, 2003

Dean Pruitt, "Whither Ripeness Theory," *Working Paper* No.25 (2005) George Mason University, Fairfax.

Annex 1: List of Interviews

Abdi Kering Nasir Seif, member of Demobilization, Disarmament and Reintegration committee, Eldoret

Abdirahman Haji Ahmed, National Salvation Council delegate

Abukar Maridadi, founder of SDU, Member of the SRRC, Eldoret

Abukar Sodal, Member of the SRRC, Eldoret

Advocate Aideed Ilkanaf, Member of Demobilization, Disarmament and Reintegration Committee. Eldoret

Ahmed Ramata. Senior Government Official, Office of the President

Ali Gedi, Prime Minister, Transitional Federal Government of Somalia

Amb. Bethuel Kiplagat, Chairman of TC/IFC, Nairobi

Amb. John Lanyasunya, Second Coordinator of the Conference

Asha Amed Abdallah, A former TNG Minister and delegate to the Somali peace process, Nairobi

Awad Ashara, formerly Minister for Justice and Religion in Punt land and current TFG MP. Eldoret

Aideed Ilkanaf, Member of committee Five who claimed to be non-partisan, Eldoret

Dr. Qamar Aden Ali, Member of committee five,

General Gabyo, Somali delegate to National Reconciliation Conference, Eldoret

Haile Ahmed, lecturer, Daystar University and Member of Mennonite conflict intervention team, Nairobi

Hussein Elabe Fahiey, Delegate at the Somali National Reconciliation Conference, Eldoret

Hussein Bantu Delegate and chairman SAMO ASILI

Sheikh Jama, Members of SAMO, at Eldoret

Hassan Pilota, Member of Mudulood sub-clan and rival of Qanyere, at Eldoret

Haji Mohamed Muse Guleed, leader of Saransoor who argued throughout the conference that his people were marginalized

Mudhane Maulid Maane, Chairman, SAMO/SRRC Nakuru MP- TFG, Member of SRRC, the Leaders Committee and Leader of SAMO, Eldoret

Mudhane Arale, MP Somalia Transitional Federal Government, Member Hawiye Clan

Mudhane Fahma, Chairlady Benadir Community, MP Transitional Federal Government

Mudhane Ali Sheikh Mohamed Nur, MP Transitional Federal Government

Mudhane Madobe, Former Speaker and leader of RRA-Madobe

Mohamed Jangoan, Former Interior Minister and Chairman of Committee Six, Eldoret

Mohamed Abdikadir Rashid, delegate and Member Committee Three

Mohammed Kulmiye, Member of committee three, Eldoret

Mohamed Ministry of Defense, Nairobi

Mohamed Osman, Senior Government Official, Office of the President

Mr. Alfred Gitonga- Senior Government Official, Ministry of Foreign Affairs

Mr. William Mayaka, First Conference Coordinator

Larry Okungu, African regional director for Geneva Call, Nairobi

. Solomon a member of the Somali Bantu delegation, TFG-MP, Nairobi

Prof. Makumi Mwagiru, Chief Consultant, SNRC, Nairobi

Prof. Mohamed Ali Gure, Civil Society Representative in committee one, Eldoret

Prof. Gandhi, Member of the Civil Society, Committee Five

Prof. Deeqa Ujoog member and chairlady respectively, Eldoret

Peter Ole Nkuraiyia, Permanent Secretary Ministry of.Foreign Affairs, Nairobi

Joseph Gatimu, Senior Government Official Office of the President .

The Somalia Peace Process- Interview Guide

1. What do you consider to have been your role in the Somalia Peace Process?
2. What were the main Challenges in the Somalia Peace Process and how did you go about overcoming them?
3. What was the effect of the change of regime in Kenya on the Peace Process?
4. What was the nature relationship within inter ministerial council. Did this affect the role of Kenya as a mediator of the process?
5. What is your view on Article 30 of the Transitional Federal Charter of Somalia and the contentions raised about it? How were these contentions resolved?
6. What were Structures of the Somalia National Reconciliation Process? Were they useful for the process?
7. How would you describe the relationship between the various actors in the peace process for example the Ministers, the mediators, the various Somali groups? (Kenya's Special Envoy-Both amb. Bethwel Kiplagat and the late Hon. Elijah Mwangale) and those of the Frontline States?
8. What would you consider as the impact of the expansion of (technical committee to IGAD facilitation committee) on the mediation process?
9. Why did some Somali groups refuse to accept of the Safari Park agreement signed at state house Nairobi?
10. The Peace Process begun under Hon. Marsden Madoka EGH, Minister for Foreign Affairs then changed hands severally to Hon. Kalonzo Musyoka, Hon. Chirao Mwakere, and then Hon. John Koech, Minister for East African Community and Regional Cooperation. How would you describe this transition? What exactly happened in the handing over?
11. What is your view on IGADs effort to resolve the Somali conflict?
12. Why is it seen as if the Sudan Peace Process was more successful then Somalia yet they were managed under the same mechanism?
13. What is/was Kenya's Foreign Policy towards Somalia during and after the Mediation?
14. What would you consider to be Kenya's strong points that can be emulated in future and what are the weak points that need to be improved on?
15. What vision did you have and what how were you to go about it in solving the problem?
16. Given your experience now would you engage in this kind of exercise? If so what would you do differently?
17. In your opinion what would you say was achieve in what you set out to do in Somalia?

Key to the Guide

Scaling of the behavior of the various actors

Account for the particular behavior by giving an explanation for it

Compare this behavior with others

Observe the attitude of the various groups towards each other

Account for similarities and differences

1. Feelings to be scaled: anger; happiness-unhappiness, friendliness-bitterness

2. Attitudes to be observed and scaled; cooperation-resistance, compromise-non compromise, rejection-acceptance, competitiveness-non competitiveness, cautious-non cautious, trust-non trusting

3. Resulting behavior form these feelings and attitudes

4. The issues on which the behavior described is associated with

5. The actors that the behavior is directed to

6. The circumstances under which the behavior is being used.
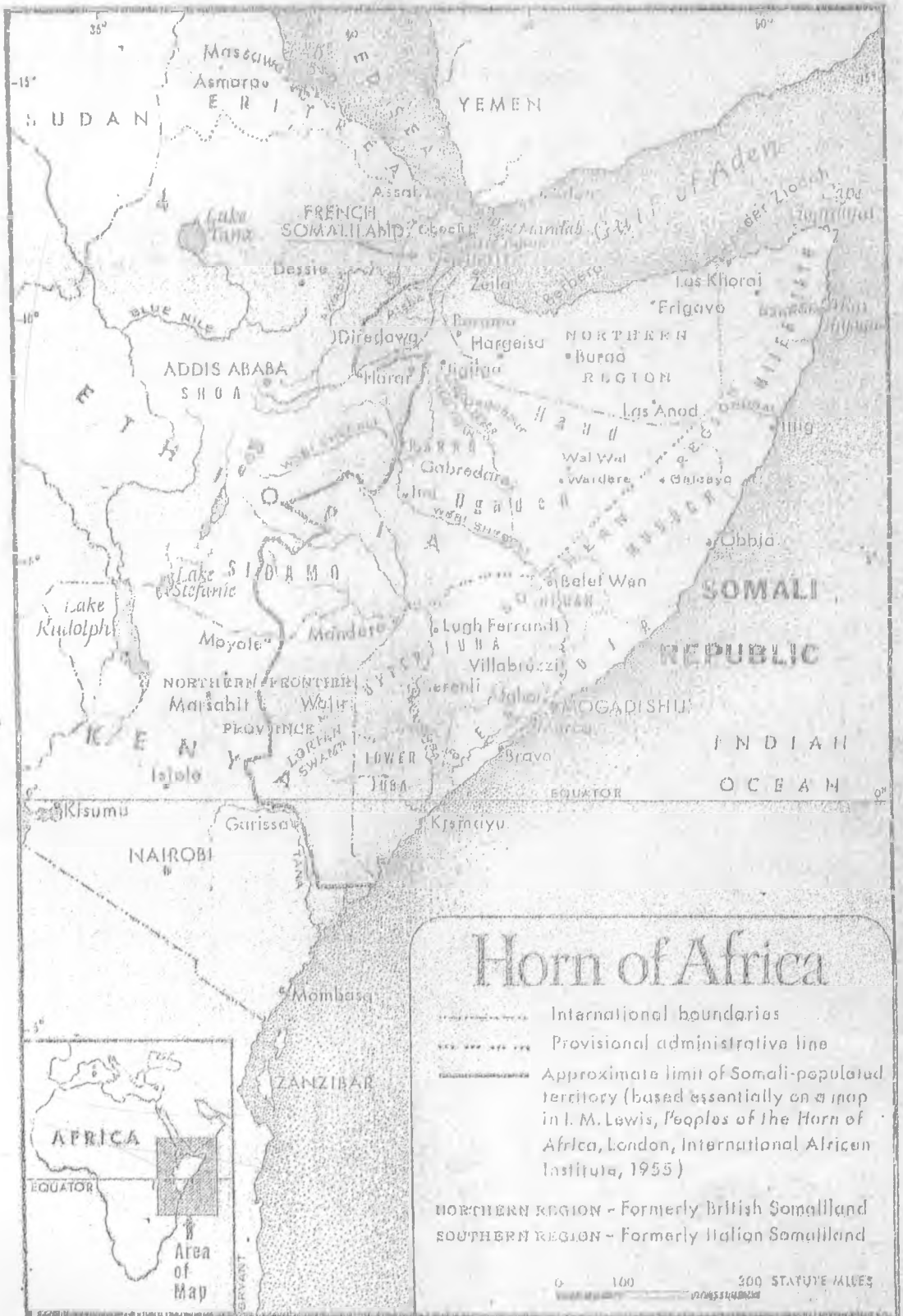
SECTION: ATTITUDE TOWARDS THE FEDERALIST/CENTRALIST GOVERNMENT; SAFARI PARK AGREEMENT; ARTICLE 30 (1) ON MODE OF SELECTION OF MPs;
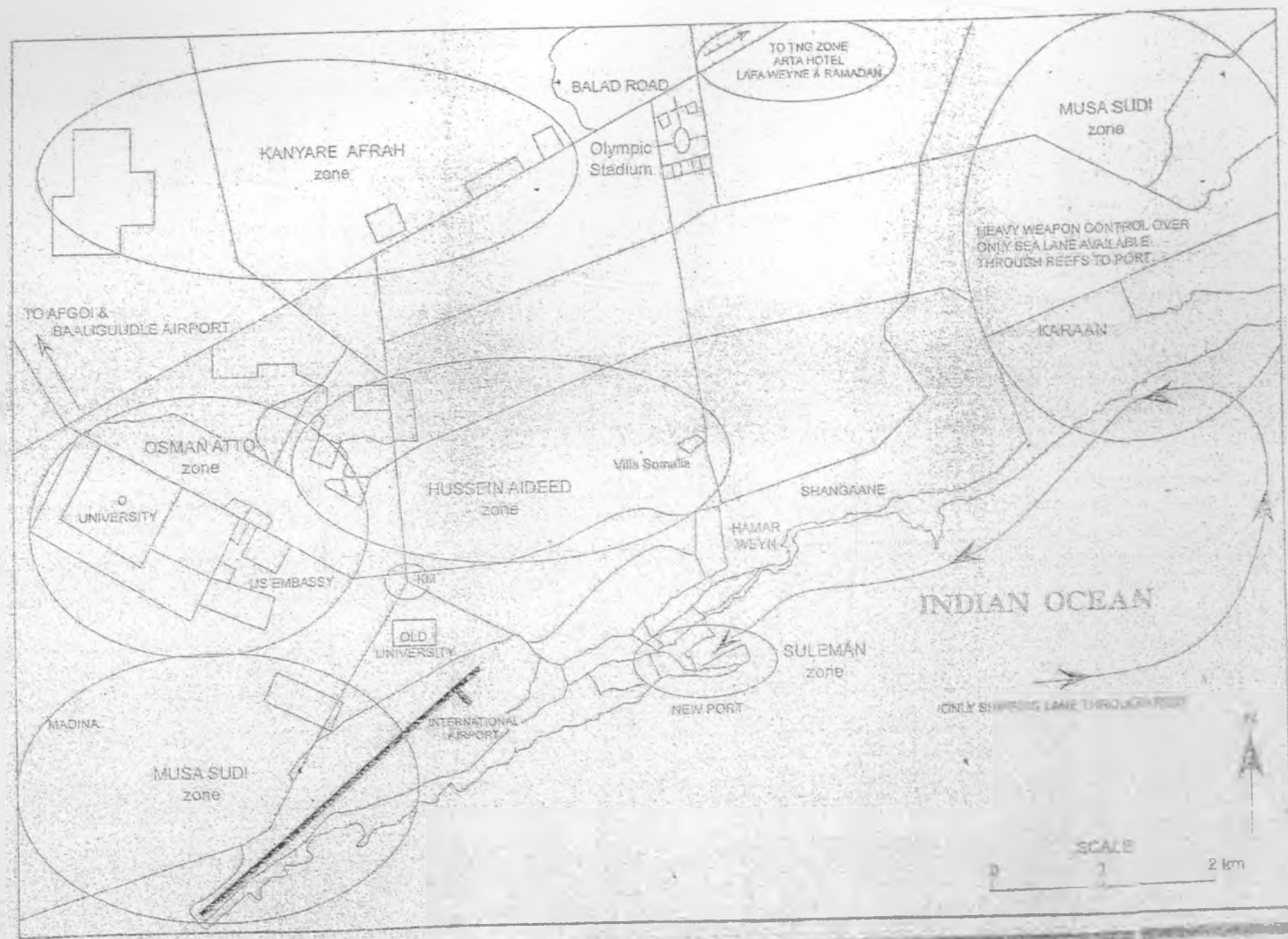
In this section there are five levels at which to grade the attitude towards Committee Ones proposals for the Charter. For any group a tick is used (✓) under the level that best represent its attitudes as indicated in the scale below.

Key

5	SA	- Strongly Agree
4	A	- Agree
3	U	- Undecided
2	D	- Disagree
1	SD	- Strongly Disagree

STATEMENT	5	4	3	2	1
What is the reaction to Committee One-Federalist/centralist Charter/Safari Park agreement/article 30 of the charter	SA	A	U	D	SD
1. The G8,SRRC,TNG, Civil Society, women					
2. Special envoys					
3. Members of the International group (IPF)					
4. Leaders Committee					
5. The plenary					
6. Selected opinion leaders; personalities or traditional elders					

Horn of Africa

.... International boundaries

··· ··· ··· ··· Provisional administrative line

━━━━━━━ Approximate limit of Somali-populated
territory (based essentially on a map
in I. M. Lewis, *Peoples of the Horn of
Africa*, London, International African
Institute, 1955)

NORTHERN REGION – Formerly British Somaliland
SOUTHERN REGION – Formerly Italian Somaliland

0   100   300 STATUTE MILES

Partition of Mogadishu among warlords 2001
(based on map drawn by Mohamed Rashid and John Drysdale)

KANYARE AFRAH
zone

BALAD ROAD

TO TNG ZONE
ARTA HOTEL
LAFA WEYNE & RAMADAN

MUSA SUDI
zone

Olympic
Stadium

HEAVY WEAPON CONTROL OVER
ONLY SEA LANE AVAILABLE
THROUGH REEFS TO PORT

TO AFGOI &
BAALIGUUDLE AIRPORT

KARAAN

OSMAN ATTO
zone

O
UNIVERSITY

HUSSEIN AIDEED
zone

Villa Somalia

SHANGAANE

HAMAR
WEYN

US EMBASSY

KM

INDIAN OCEAN

OLD
UNIVERSITY

SULEMAN
zone

ONLY SHIPPING LANE THROUGH PORT

MADINA

INTERNATIONAL
AIRPORT

NEW PORT

MUSA SUDI
zone

N

SCALE

0   1   2 km

Somali ethnic and clan-family distribution 2002