

**UNIVERSITY OF NAIROBI**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**“Multilateral negotiation as a counter-terrorism strategy; a  
case study of Al-Shabaab”**

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***A Research Project Presented in Partial Fulfilment of the  
Requirements of the Award of the Degree of Master of  
Arts, Institute of Diplomacy and International Studies,  
University of Nairobi.***

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**SEPTEMBER 2009**



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**DECLARATION**

I, the undersigned, declare that this is my original work and has not been submitted for a degree in this or any other University for examination.

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This project has been presented for examination with my approval as the appointed supervisor.

Signed: 

16 November 2009

PROF. AMB. MARIA NZOMO  
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Date: September 2008

## **DEDICATION**

**This project is dedicated to all the Somali civilians who have suffered from nearly twenty years of war. To the citizens of the world who have lost their lives and limbs in terrorist attacks and by the flawed ways employed to counter it.**

## **ABSTRACT**

The specific objectives of this study were to examine the effectiveness of counter-terrorism strategies in Somalia and to investigate whether multilateral negotiation as a counter-terrorism strategy would work with Al-Shabaab in Somalia.

The findings show that the existing counter-terrorism strategies have not been effective against terrorism in Somalia due to the fact that these measures address symptoms rather than root causes of terrorism in Somalia. Strong international engagement to bring peace internally and to reconstruct the failed state in Somalia is required if longer-term counter-terrorism objectives are to be achieved. The failed externally driven counter-terrorism strategies of the last few years have not only produced the opposite of the desired results but have also sown the seeds of home-grown terrorism.

The findings from this study show that negotiation with Al-Shabaab produces mixed results with the overall leadership and foreign foreigners opposed to negotiations. The regional leaders and members are amenable to multilateral negotiation. Al-Shabaab has the hallmarks of a rational political actor constrained by clan politics and negative public opinion. Ordinary Somali youth that join Al-Shabaab do not necessarily share the terrorist ideology of the group. They join the group for immediate and specific reasons such as a charismatic clan leader, economic reasons or as an opportunity to further political aspirations.

## **ACKNOWLEDGEMENT**

The shortcomings of this study are my responsibility. Such strengths as it has are due in large part to the help I have received from a number of others. I would like to acknowledge just some of them.

Special thank goes to my supervisor, Prof, Amb Maria Nzomo for guiding me through this research. No assertion went unchallenged and no argument escaped her rigorous intellectual inquiry. She realised the unique nature of my research and encouraged me to be creative and think outside the box.

Aden Sheikh Hassan and Zakaria Sheikh Mohamud provided me with invaluable research materials and shared their great minds on the issues of terrorism, Islam and negotiations. I am profoundly grateful to both of you.

I owe my biggest debt to my best friend, Hannah Stogdon, for helping me come up with the idea, for her incisive editing and wise counsel and for her constant encouragement that I could reach the finishing line in this work.

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# CHAPTER ONE

## INTRODUCTION

### *Background to the study*

Terrorist acts or the threats of such actions have been in existence for millennia. Despite having a history longer than the modern nation-state, the use of terror by national and sub-national actors remains poorly understood. While the meaning of the word terror itself is clear, when it is practically applied to acts and actors in the real world it becomes obfuscated.

The earliest known organization that exhibited aspects of a modern terrorist organization was the Zealots of Judea. Known to the Romans as Sicarii, or dagger-men, they carried out an underground campaign of assassination of Roman occupation forces, as well as any Jews they felt had collaborated with the Romans<sup>1</sup>. Other groups regarded as precursors to contemporary terrorism include fanatical and murderous Shi'a sect assassins, Irish nationalists and the Russian anarchists. The practice has been more recently been taken up by the nationalist Tamil Tigers in Sri Lanka, religious-nationalists Hamas and Hezbollah in Palestine and Lebanon, revolutionary Shining Path of Peru and the transnational Al-Qaeda in many parts of the world.

Defining terrorism has never been easy and the only universally accepted attribute of the term "terrorism" is that it is pejorative. The term is so laden with emotion and bandied about so much that it has come to lose much of its meaning<sup>2</sup>. Even the United Nations has not been able to come up with an internationally agreed definition of terrorism. Despite all the challenges of the term, there are still some basic definitions that explain acts of terrorism regardless of the actor. Terrorism can

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<sup>1</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 43, 2006

<sup>2</sup> Christoph Reuter, *My life is a weapon: A modern history of suicide bombing*, Princeton University Press, New Jersey, 2004

simply be defined as a tactic of severe coercion that deliberately violates two rules of war: targeting of non-combatants and indiscriminate use of violence<sup>3</sup>.

To engage or not to engage with groups defined as terrorists is a complicated issue. Negotiation is part of an engagement process by which parties to a conflict sit down and discuss the issues. It's a non-coercive method of conflict management because the parties decide to manage their conflict jointly<sup>4</sup>. Conventional wisdom suggests that regimes should never bargain with terrorists. However, regimes have repeatedly engaged in negotiation of one form or another with terrorist groups<sup>5</sup>. Regime concessions have ranged from ransom payments for the release of hostages to formal political accommodations with their antagonists to bring about a cessation of hostilities.

Terrorists are most often armed non-state actors in the international system and we live in a time when engaging with armed non-state actors, especially those that are branded as terrorists, is becoming less and less the norm. The argument against making concessions to terrorists posits that it only encourages the perpetrators (and other interested parties) to engage in further terrorist acts in the future<sup>6</sup>. Terrorists seeking temporal goals that can be achieved within the current socio-political configurations such as a homeland for Tamil tigers, Basques, Sikhs and Chechens can be subject to compromise<sup>7</sup>. On the other hand, transformational goals sought by some terrorists groups such as socio-revolutionary movements in Europe in the 1970s and currently by Al-Qaeda are not subject to negotiation and its satisfaction would require complete destruction of the regional or global State system.

Counter-terrorism is the response to acts of terror either by military or legislative means. The specific approach to take is always defined by the perception of the enemy and the aims of the terrorist group, as well as the political priorities of the

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<sup>3</sup> Sederberg, Peter C., *Conciliation as counter-terrorism strategy*, Journal of peace research, volume 32, No 3, sage publications, 1995

<sup>4</sup> Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*. Nairobi: CCR Publications, pg 113. 2006.

<sup>5</sup> The Apartheid regime in South Africa with African National Congress, British Government with Irish Republican Army (IRA) as well as Israel government with Palestinian Liberation Organisation (PLO) of Yasser Arafat.

<sup>6</sup> Crenshaw, Martha, 'How Terrorism Declines', *Terrorism and Political Violence*, vol. 3, no. 1, pp. 69-87. 1991

<sup>7</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 30. 2006.

country employing the counter-terrorism strategy. The ongoing US counter terrorism strategy gives priority to a military response over any other strategy. The view that terrorism is war leads its proponents to favour repressive responses while the view that terrorism is crime leads its proponents to favour legal solutions<sup>8</sup>.

The September 11, 2001 (9/11) attacks gave birth to the U.S global war on terror - an attempt to dismantle and force into submission global terror networks that the U.S perceived as a threat to its domestic security. Former U.S President George W. Bush in his joint congressional address after the September 11 attacks said "Our war on terror begins with al- Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated"<sup>9</sup>. Afghanistan and Iraq were the first fronts in this so called 'war on terror' but the Horn of Africa has also become a focus of this fight, particularly in Somalia.

In Somalia, western governments, led by the U.S., responded to the threat of terrorism in the following ways: by building up Somali counter-terrorist networks headed by faction leaders and former military or police officers; by cooperating with the security services in Somaliland and neighbouring Puntland<sup>10</sup>; designation of al-Ittihad and more recently Al-Shabaab as terrorist organisations; freezing the assets of Al-Barakaat hawala money transfer company; support to the Ethiopian invasion of Somalia and use of US air strikes. In March 2008, Al-Shabaab (meaning "The Youth") was designated as a terrorist organisation by the US government<sup>11</sup>. Soon after this designation, the leader of Al-Shabaab, Aden Hashi Ayro, was killed in a US air strike in the central Somali town of Dhusa-Mareb in May 2008. His death and several controversial air-strikes that followed caused many Al-Shabaab leaders to go further underground, but the popular face of Al-Shabaab remains their former spokesman, Mukhtar Robow (Abu- Mansur).

The designation of Al-Shabaab as a terrorist organisation radicalized the group, led them to target humanitarian organisations perceived as having western connections and also led them to reject the Djibouti process. The Djibouti process, in that it was

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<sup>8</sup> Clark, Bruce G., 1993. 'Conflict Termination: A Rational Model', *Studies in Conflict and Terrorism*, vol. 16, no. 1, January-March, pp. 25-40.

<sup>9</sup> [www.whitehouse.gov/news/releases/2001/09/20010916-8.html](http://www.whitehouse.gov/news/releases/2001/09/20010916-8.html). Page accessed on March 17 2009.

<sup>10</sup> International Crisis Group, *Counter terrorism in Somalia, losing hearts and minds*, Africa report No 95, ICG, 11<sup>th</sup> July 2005

<sup>11</sup> Mankhaus, Ken *Somalia, a country in peril, a policy nightmare*. Enough strategy paper, pg 12 2008

driven by the UN and US, also excluded Al-Shabaab. The designation of Al-Shabaab as a terrorist organisation set in stone the pariah status of the group, and has led to the group being excluded presumably indefinitely from the political process<sup>12</sup>. This designation, as well as the air strikes carried out by the U.S also increased the popularity of the group in Somalia. It also meant that the group drew instant support from Al-Qaeda's second in command Ayman Al- Zawahiri publicly issuing an appeal for Islamists all over the world to support Al-Shabaab in Somalia<sup>13</sup>.

Al-Shabaab and its affiliates now control six out of the eight regions of southern Somalia including Baidoa, the seat of the Transitional Federal Government (TFG)<sup>14</sup>. The military success and relative popular support to Al-Shabaab is a slap in the face to the U.S-led war on terror in Somalia and calls for formulation of other strategies to deal with the group. With a new U.S administration under President Obama and a new government under President Sheikh Shariff in Somalia, is it time for engagement with Al-Shabaab through means other than military?

### ***Statement of the problem***

While governments often claim that they will not negotiate with terrorists, history suggests that negotiation is often resorted to in the end; as with the Irish Republican Army (IRA) in Ireland, African National Congress (ANC) in South Africa, Palestinian Liberation Organisation (PLO) in the Middle East and the Liberation Tamil Tigers Eelam (LTTE) in Sri Lanka. While some groups such as al-Qaeda possess nihilistic or totalistic agendas, not all groups using terrorism have irreconcilable political agendas<sup>15</sup>. Ethnic conflicts and feelings of disenfranchisement fuel many of the terrorist acts in the world and groups such as al-Qaeda work and promote their agenda by stoking such genuine grievances.

A military or coercive strategy such as pre-emptive strikes against a suspected terror target, only serves to, as is the case in Somalia, radicalize the group in

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<sup>12</sup> Menkhaus, Ken *Somalia, a country in peril, a policy nightmare*. Enough strategy paper, pg 12 2008

<sup>13</sup> *ibid*

<sup>14</sup> Garowe online (Somali website), analysis of the culture of conflict in Somalia, appeared on 22<sup>nd</sup> January 2009.

<sup>15</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, 2006.

question and create 'collateral damage'<sup>16</sup>. This in turn further alienates the local population, fosters further support to the group by the local population and swells the ranks of the group through voluntary enrolment in the cause.

Initially, instead of working with the Union of Islamic Courts in Somalia, the international community gave Ethiopia the green light to invade; both in the form of military support by the U.S and from the UN Security Council in the lifting of the arms embargo imposed on Somalia. Furthermore, the refusal of the former Transitional Federal Government (TFG) and wider international community - particularly the U.S in their pursuit of the war on terror - to engage in meaningful negotiation with the Islamic Courts at the Khartoum talks in mid 2006 led to the invasion by Ethiopia, the emboldening of the TFG, the ousting of the Islamic Courts and eventually to the emergence of Al-Shabaab<sup>17</sup>.

Now, two years down the line we find ourselves negotiating with personalities such as Sheikh Shariff Ahmed (former leader of Islamic courts) that were then deemed too radical to negotiate with and still on their own terms, if not more than before. Shariff was elected on 30 January 2009 in Djibouti as the first Islamist president of Somalia following a peace deal negotiated between his faction of the Alliance for Re-Liberation of Somalia (ARS- Djibouti) and the TFG<sup>18</sup>. However, the same mistakes are being repeated again; Shariff has lost most of his support on the ground after a long exile in Eritrea and later Djibouti and those forces (Al-Shabaab and affiliates) that now control most of Southern Somalia continue to be excluded from the peace talks. These repeated miscalculations make it extremely difficult for sustainable peace to be achieved in Somalia with the weaker side always in power and the stronger side out in the cold and shunned by the international community.

Al-Shabaab remains outside the peace process - having rejected the outcome of the Djibouti talks - and continues to fight the new Government of National Unity (GNU). President Shariff is caught between negotiating with Al-Shabaab who controls many parts of south and central Somalia and reassuring the Americans and the international community of his commitment to fighting terrorism. While some

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<sup>16</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008

<sup>17</sup> Ibid

<sup>18</sup> Garowe online (Somali website), *Islamists leader elected Somalia's president*, appeared on 31<sup>st</sup> January 2009.

elements of Al-Shabaab might not accept peace and reconciliation, there are many other elements that feel marginalised and excluded by the Djibouti peace process and are fighting to have a seat at the negotiating table. The elements with genuine political interests need to be reached out to and accommodated and ultimately those with totalistic/nihilistic goals have to be fought with and defeated.

This research comes at a critical juncture in the political trajectory of U.S and Somalia relations when two new presidents, Barrack Obama and Sheikh Shariff, that represent a major departure in the policies and politics of the two countries have assumed power. It is time to set aside rhetoric and engage all those who are willing in genuine peace talks to create a sustainable peace in Somalia.

### ***Objectives of the study***

#### **Overall objective**

To examine the role of counter-terrorism in the realisation of sustainable peace in Somalia

#### **Specific Objectives**

1. To examine the effectiveness of counter-terrorism strategies in Somalia.
2. To investigate whether multilateral negotiation as a counter-terrorism strategy could work with Al-Shabaab in Somalia.

### ***Justification of the study***

This research will try to understand and inform the debate on counter-terrorism by focusing on multilateral negotiation as a counter-terrorism strategy, with specific focus on the case of Al-Shabaab. The typical response to any actual or real threats of terrorism in the horn of Africa region has been tilted towards use of disproportionate military force.

Much has been written about the pros and cons of the military and legal approaches to counter-terrorism, but less has been written about so-called 'soft' approaches such as negotiation. A more detailed understanding of this issue will be complimented by a greater understanding of Al-Shabaab, about whom relatively little is known, particularly with regard to their aims and ideology, and of most significance to this study, whether negotiation can 'work' with them.

The study will strengthen the understanding of negotiation as a counter-terrorism strategy as part of the wider debate on engagement with armed non-state actors particularly by drawing on the example of Al-Shabaab. In this sense the study will be useful to governments in the region such as Kenya to address terrorist threats and Ethiopia to effectively address armed insurgencies. The study also contributes to literature on conflict resolution mechanisms particularly for those individuals or organisations working in the Horn of Africa countries.

## ***Literature Review***

### **Terrorism: definition and concepts**

One necessity in discussions of terrorism is the need to return to fundamental conceptual distinctions<sup>19</sup>. Discussion of the problem continues to be clouded by ambiguity to such an extent that all commentators must clarify where they stand on points of definition and perception. There is no internationally agreed definition of the term terrorism due to the political and emotional nature of the word. The only universally accepted attribute of the term "terrorism" is that it is pejorative<sup>20</sup>.

A variety of problems impede our efforts to develop an analytically useful definition of terrorism<sup>21</sup>. First, an understandable, but confusing, tendency to combine explanation, justification, and condemnation mars many definitions. Second, the confusion between the action (terrorism), and the actor (the terrorist) and the effect (terror) detracts from our ability to distinguish between terrorism and the larger class

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<sup>19</sup> Sederberg, Peter C., 1989. *Terrorist Myths: Illusion, Rhetoric, and Reality*. Englewood Cliffs, NJ: Prentice Hall.

<sup>20</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 20. 2006.

<sup>21</sup> Sederberg, Peter C., 1989. *Terrorist Myths: Illusion, Rhetoric, and Reality*. Englewood Cliffs, NJ: Prentice Hall.

of coercive action of which it is a part<sup>22</sup>. In this regard, definitions should focus on the act and recognize that issues of actors and effects are areas for inquiry, not definitional attributes.

To understand the concept of terrorism then, one must specify those characteristics that distinguish terrorism from other coercive tactics used within or between political communities. Terrorism may be seen as a tactic of severe coercion that deliberately violates rules of war: deliberately targeting non-combatants and the use of indiscriminate means<sup>23</sup>.

Seven characteristics of the term terrorism have been defined by scholars of terrorism<sup>24</sup>. First, a terrorist act is politically motivated and if not then it's a crime. Secondly, if the act does not involve violence or the threat of violence it is not terrorism. Third, the point of terrorism is to communicate a message. It is not violence for violence's sake or even violence in the expectation of defeating the enemy. Fourth, the act and the victim usually have symbolic significance and the shock value of the act is enormously enhanced by the power of the symbol that the target represents. The fifth and probably most controversial point is that terrorism is the act of sub-state groups, not states. The sixth characteristic of terrorism is that the victims of the violence, and the audience the terrorists are trying to reach, are not the same. The seventh and the most defining characteristics of terrorism is the deliberate targeting of the civilians that sets it apart from other forms of political violence.

Political scientist Martha Crenshaw suggests that the ostensible goal of terrorists often appears so unlikely to be achieved by the chosen action that it is difficult to support an overarching rationalist theory of terrorism. The willingness to commit acts that are entirely outside of our normal experience of 'rational' behaviour causes some to suggest that terrorist may be psychopaths. However, terrorists by and large

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<sup>22</sup> Sederberg, Peter C., *Conciliation as counter-terrorism strategy*, Journal of peace research, volume 32, No 3, sage publications, 1995

<sup>23</sup> Ibid

<sup>24</sup> Richardson, Louisa, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 20. 2006



share the characteristic of psychological normalcy; that in fact these individuals and groups are highly 'rational' actors<sup>25</sup>.

Indeed, historical evidence suggests that terrorism is sometimes a practical, low-cost strategy through which subordinate groups leverage their power to successfully achieve their ends<sup>26</sup>. Indeed, modern history is replete with examples of successful sub-state political violence: Irgun's bombings were a major factor in securing the independence of Eretz Israel from the British; terrorism by the Irish Republican Army (IRA) precipitated accommodations leading to the Irish Free State; Shiite Muslim terrorists provided key assistance in the ouster of the Shah of Iran; Hezbollah's suicide bombing campaign of 1983-1985 directly led to the American, French, and Israeli withdrawal and establishment of a Shi'a-controlled society in major parts of Lebanon; and the African National Congress (ANC) used terrorism as part of its remarkably successful strategy to overthrow the apartheid government of South Africa<sup>27</sup>.

More recently, al Qaeda's brutal transnational campaign, including the mass murders at New York's World Trade Centre in 2001, may have not only rapidly advanced Osama bin Laden's stated goal of removing the large U.S. military presence from Saudi Arabia but also served as an extremely potent recruiting tool<sup>28</sup>. Thus, historical precedents support many terrorists' expectations of success, so the theory of strategic choice must not be discounted on the grounds that terrorism's goals are uniformly improbable.

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<sup>25</sup> Oots, Kent L., 'Bargaining with Terrorists: Organizational Considerations', *Terrorism*, vol. 13, no. 2, 145-158. 1990

<sup>26</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, 2006, pg 22

<sup>27</sup> Victoroff, Jeff, *The Mind of the Terrorist: A Review and Critique of Psychological Approaches*, *The Journal of Conflict Resolution*, Vol. 49, No. 1 (Feb., 2005), pg 16, quoting Sandler and Enders 2004.

<sup>28</sup> Victoroff, Jeff, *The Mind of the Terrorist: A Review and Critique of Psychological Approaches*, *The Journal of Conflict Resolution*, Vol. 49, No. 1 (Feb., 2005), pg 16, quoting Sandler and Enders 2004.

## **Counter-Terrorism strategies**

Governments are invariably placed under enormous pressure to respond forcefully and quickly when an act of terrorism occurs, but this response is not the most conducive for long term success against terrorism. First of all, the initial conception of the problem of terrorism and the perception of the enemy influence the pattern of response chosen<sup>29</sup>. In other words, the view that acts of terrorism are acts of war leads its proponents to favour repressive responses while the view that terrorism is crime leads its proponents to favour legal solutions.

Again, Richardson suggests that successful counter-terrorism strategies should contain the following elements<sup>30</sup>: a defensible and achievable goal; a principled approach to application of the rule of law; knowing the enemy; separating the terrorists from their communities; engaging others in countering terrorism; having patience and keeping perspective. The current 'war on terror' campaign led by the U.S government and adopted by other supportive states unfortunately seems to fall short on all the above criteria.

After decades of battling terrorists on their own soil, many European governments continue to believe that characterising the fight as a 'war' only antagonises the populations that have produced the terrorist groups and makes it harder to address the root causes of terrorism. "We have always had a different definition of terrorism, in that we never call it a 'war' on terrorism. We call it the fight or battle against terrorism, and we think the distinction makes a difference<sup>31</sup>. After the July 7 2005 attacks in London, then Britain's Prime Minister Tony Blair's press conference immediately after the attacks talked of crime, law enforcement and arrests rather than crusades or war in contrast to President Bush after September 11 attacks<sup>32</sup>.

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<sup>29</sup> Clark, Bruce G., 1993. 'Conflict Termination: A Rational Model', *Studies in Conflict and Terrorism*, vol. 16, no. 1, January-March, pp. 25-40.

<sup>30</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, 2006

<sup>31</sup> U.S vs. Europe: two views of terror by Howard LaFranchi, staff writer at the Christian Science Monitor, Washington appearing in the May 29 2008 edition of the Christian Science Monitor.

<sup>32</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, 2006,

## **Negotiation as a counter-terrorism strategy**

It is frequently argued that to engage with armed groups is to legitimize violence, or give credibility to unreasonable or non-negotiable demands. As such, we live in a time when engaging with armed groups, especially those that are branded as terrorists, is becoming less and less the norm. Former prime Minister of Israel, Yitzhak Rabin assassinated for negotiating the Oslo peace treaty with the Palestinian Liberation Organisation (PLO) in 1993 in Norway reiterated the importance of negotiation when he said "you don't make peace with your friends. You make peace with your enemies".

Negotiation is an advanced form on the engagement spectrum available to actors in conflict management. There are several reasons why engagement through negotiation makes a lot of sense in an armed conflict situation<sup>33</sup>. Firstly, it allows for protection of civilians as any continued fighting always adversely affects the lives of civilians. Secondly, armed groups hold the key to an end in the violence in a conflict situation: realistically, in a conflict situation, you need to engage the people perpetuating the violence to end the violence. Thirdly, engagement increases the chance of a peaceful settlement process as history shows that most armed conflicts frequently end through dialogue. The recent military defeat of the Tamil Tigers after a thirty year civil war in Sri Lanka was set in motion by a negotiation process that fragmented them and allowed radicals to be defeated easily. Lastly, lack of engagement can strengthen hardliners and increase chances of prolonging the war. The designation of Al-Shabaab as a terrorist group in Somalia by the U.S has only strengthened the resolve of the group to wage deadly war against the Ethiopian occupation and now the new government and the AMISOM<sup>34</sup> forces. The victims caught up in these deadly attacks are the Somali civilians.

Engagement can either begin as humanitarian or political<sup>35</sup>. Humanitarian engagement is the effort to persuade armed groups to respect humanitarian and human right principles. On the other hand, political engagement means efforts to

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<sup>33</sup> Ricigliano, Robert, *choosing to engage armed groups and peace process*, Accord Conciliation Resources, Issue 16, London, 2005, pg 8

<sup>34</sup> AMISOM (African Union Mission in Somalia) is an AU peace-keeping force of around 5000 Ugandan and Burundian forces mandated to guard key installations of the Somali Government such as airport, seaport and presidential palace in Mogadishu.

<sup>35</sup> Ricigliano, Robert, *choosing to engage armed groups and peace process*, Accord Conciliation Resources, issue 16, London, 2005, pg 45

persuade armed groups to negotiate a peaceful resolution of the armed conflict. In practice, the distinction between the two is often blurred as humanitarian engagement can act as a door-opener that allows parties to meet and build trust and confidence. This eventually creates an environment conducive to discussion of security and political issues. However, there is sometimes tension between the humanitarian approach and political engagement and experience shows that belligerents might use humanitarian engagement as a means of putting off discussion of the political issues<sup>36</sup>.

Negotiation as part of diplomatic processes can either be track one or track two<sup>37</sup>, with the former led by governmental actors, representatives of inter-governmental organisations and third-party governments while the latter is an unofficial, informal interactions led by non-governmental organisations, unofficial parties and individual actors to resolve conflicts. The heterogeneity and complexity of non-state armed groups has necessitated development and use of multi-track processes that combine many actors and a variety of issues for the realisation of sustainable peace.

Track one actors are more likely to have resources and status. They may have powerful 'carrots' and 'sticks' in terms of their ability to intervene militarily, support peace processes/agreements with monitors and peacekeepers, and give or withhold legitimacy, aid, trade or loans, etc. They may also be constrained from acting effectively as they may be wary of conveying status and legitimacy on 'rebels', may be compromised by national interest or seen as too partial toward one side of combatants or as having too great a stake in the outcome of the process. There may also be legal constraints and difficulties in acting without drawing media attention.

Track two parties are often less threatening to armed groups, and find it easier to work flexibly, unofficially, and off the record, and have less to be concerned about in terms of conveying official/legal recognition<sup>38</sup>. Lacking geopolitical interests and stakes in the conflict, they may be more impartial, forming relationships with a wider

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<sup>36</sup> Ricigliano, Robert, *choosing to engage armed groups and peace process*, Accord Conciliation Resources, Issue No. 16, London, 2005, pg 47

<sup>37</sup> *Ibid*, pg 56

<sup>38</sup> Ricigliano, Robert, *choosing to engage armed groups and peace process*, Accord Conciliation Resources, Issue No. 16, London, 2005, pg 59

variety of actors in the conflict, and hearing things official actors do not. On the other hand, they lack the capacity to compel or coerce parties, can have a harder time gaining entry to a conflict (especially with state actors), and cannot provide the same incentives and guarantees as a track one actor. Importantly, they often lack resources and funding, especially for longer term work that is out of the spotlight.

Negotiation can be conducted through bilateral or multilateral means<sup>39</sup>. Bilateral negotiations take place between two subjects of international law such as between two states; between a state and an international organisation; or between international organisations. Multilateral negotiation on the other hand involves many parties, more interests and is much more complex process than bilateral negotiations.

Modern analyses of negotiation processes shows that they encompass more than just what transpires around the table<sup>40</sup>. The process of negotiation is divided into three distinct but interrelated phases; pre-negotiation, negotiation and post-negotiation phases. The pre-negotiation phase encompasses the preparatory stages that involve securing the agreement to negotiate on a particular issue, drawing up of the agenda, agreeing on the venue and date, choosing the delegation, preparing credentials of the delegation, holding consultations and concertations, and producing important documents such as briefs<sup>41</sup>. This is the most important stage of the negotiation process that if done well can do much to ensure the success of the negotiation. In some cases, significant agreement can even be secured, so that actual negotiation phase merely ratifies agreements already reached.

The negotiation phase is the most visible part of the negotiation process where parties actually sit around the table and negotiate issues. During the negotiation phase, agreement - or disagreement - between the parties is hammered out and salient documents such as agreements emerge. It is believed that the negotiation phase is unlikely to deliver if the pre-negotiation stages were not conducted properly<sup>42</sup>.

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<sup>39</sup> Mwangi, M. *Diplomacy: Documents, Methods and practice*, IDIS publications, Nairobi, 2004, pg 67

<sup>40</sup> Mwangi, M. *Diplomacy: Documents, Methods and practice*, IDIS publications, Nairobi, 2004, pg 70

<sup>41</sup> Mwangi, M. *Diplomacy: Documents, Methods and practice*, IDIS publications, Nairobi, 2004, pg 71

<sup>42</sup> *Ibid*

In the post-negotiation phase, parties implement the elements they had agreed to deliver during the negotiation stage of the process. Important documents such as reports of the negotiation are produced; and instruments of ratification, accession in multilateral negotiations and constitutional process in bilateral negotiations take place at this stage<sup>43</sup>. It is at this stage that the commitment of the parties to the outcome of the negotiation process is witnessed.

### **Somalia: terrorism and counter-terrorism strategies**

The threat of terrorism in the Horn of Africa is real and growing. Despite attempts by the world to forget Somalia after the botched US "Operation Restore Hope" in the early 1990s, the country has a peculiar way of drawing attention to its forgotten existence. From allegations of harbouring terrorists in the land, to pirates along one of the busiest coastlines in the world, to the notoriety of perfecting 'governance without government' in the epitome of a 'failed state', Somalia has always been in the thick of international politics.

During the 1990s, terrorism in Somalia was synonymous with al-Ittihad al Islamia, a band of *Wahhabi*<sup>44</sup> militants determined to establish an Islamic emirate in the country. Al-Qaeda also developed a toehold, contributing to attacks on U.S. and UN peacekeepers in the early part of the decade and using the country as a transit zone for terrorism in neighbouring Kenya and Tanzania<sup>45</sup>. Some leading members of Al-Qaeda's East African network continue to hide in Somalia. Not completely crushed but having suffered a series of defeats, al-Ittihad retreated and easily melted into Somali society.

Counter terrorism in the Horn of Africa and Somalia in particular adopted the usual tactics of shock and awe. The tactic has been effective in dispersing the "terrorists" but not in crushing them completely. The war against al-Ittihad led by the Ethiopians in the 1990s simply made members of the group disperse and melt into Somali society to fight another day<sup>46</sup>

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<sup>43</sup> Mwangi, M, *Diplomacy: Documents, Methods and practice*, IDIS publications, Nairobi, 2004, pg 73

<sup>44</sup> Wahhabi is a puritanical Islamic movement founded by Muhammad Ibn Abd-Wahhab (died 1792) in Saudi Arabia.

<sup>45</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005

<sup>46</sup> Andre Le Sage, *Somali Council of Islamic Courts*, (3 August 2006) (unpublished paper) pg 7

In 2004, a new umbrella organisation, initially known as the Supreme Council of Islamic Courts (SCIC), was formed in Mogadishu, comprising the city's seven Islamic Courts. Subsequently, chairmen were elected and the Council was expanded to encompass newly established Courts. From late 2004, the courts became a better organised force with greater enforcement power, that is, military capacity, and by early 2006 had reorganised itself as the Islamic Courts Union (ICU)<sup>47</sup>. The warlords-turned-ministers who had once claimed complete control of the capital now had to recognise the arrival of a new political and military force in the city.

Al-Shabaab militia was originally a special armed unit of the Sharia court system in Mogadishu, and according to some were established sometime after 1998 by Islamist hardliner Hassan Dahir Aweys<sup>48</sup>. Dahir Aweys<sup>49</sup> sought to create a well trained, well-equipped, multi-clan militia which answered to the top leaders of the Islamic Courts. At that time, all other Sharia militia in Mogadishu were clan-based, only loosely dedicated to the Islamists, and limited only to the local jurisdiction of their sub-clan's Sharia court. By contrast, Al-Shabaab was a sort of Somali *Mujahideen*, composed of young fighters committed to a radical Islamist agenda.

The relationship between Al-Shabaab and the Islamist leadership has remained a topic of much interest and speculation<sup>50</sup>. Already by 2004, Al-Shabaab was assumed to be an autonomous and radically violent force after a series of assassinations against Somali civil society activists were linked to them, and no longer controlled by Aweys. By 2004 Al-Shabaab were believed to number about 400 fighters, and were led by a veteran of Afghanistan, Aden Hashi Ayro. Despite suffering heavy casualties, Al-Shabaab has emerged as the most daring group currently fighting the government and they control most of Southern Somalia<sup>51</sup>.

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<sup>47</sup> Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, African Affairs, 2007

<sup>48</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008

<sup>49</sup> Sheikh Hassan Dahir Aweys is considered the father of Islamists in Somalia, and headed the now defunct Al-Ittihad Al-Islamia that was listed as a terrorist organisation by the U.S in the 1990s. He is also the leader of Alliance for Liberation of Somalia (ARS - Asmara) and has now assumed leadership of Hizb-al-Islam (a coalition of four Islamic groups) leading the current war against the new government of Somalia. He is on the U.S terror list.

<sup>50</sup> Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, African Affairs, 2007

<sup>51</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008

The U.S designated Al-Shabaab as a terrorist group in March 2008 and carried out three controversial air strikes on Somalia one of which, in May 2008, eventually killed Al-Shabaab leader Aden Hashi Ayro. Some analysts claim that the U.S air strikes are the main reason for the increased targeted killing of aid workers in Somalia<sup>52</sup>. Prior to the use of these techniques, Al-Shabaab was directing its attacks against the TFG and the Ethiopian military. After the missile attack, Al-Shabaab declared its intent to widen the war to all Western targets inside and outside the country, including Somalis working in any way with the West.

The group has also threatened Kenya over the neighbouring state's plans to train Somali police officers. The group's spokesman, Mukhtar Robow, warned Kenya against training some 10,000 Somali police officers, saying: "On the occasion that trained personnel for the TFG cross the border between Somali and Kenya; it will be permission for us to cross in the other direction,"<sup>53</sup>

Today Al-Shabaab is the strongest, best organised, financed and armed military group and controls the largest stretch of territory in Southern Somalia. The leadership of Al-Shabaab is shrouded in secrecy following the killing of its leader Adan Hashi Ayro and other prominent leaders but recently, several Somali websites have identified Ahmad Abdi Godane also known as Sheikh Muqtar Abdirahman Abu-Zubeyr as the leader (Emir) of Al-Shabaab Islamic movement. Abu-Zubeyr hails from Somaliland, the northern part of Somalia that declared independence in 1991<sup>54</sup>. He was also accused by Somaliland's Foreign Minister of having been behind the bombing of Somaliland's presidential palace in late 2008. Sheikh Hussein Ali Sidow is the head of Al-Shabaab's political and regional affairs. While Mukhtar Robow also known as Abu Mansur is the most well known spokesman of the Al-Shabaab<sup>55</sup> but has recently been replaced by Sheikh Ali Hussein also known as Sheikh Ali Dheere.

Al-Shabaab has compensated for their pariah status and exclusion from political processes by waging deadly campaigns against the Ethiopian occupation that they have now extended to the new Government of National Unity (GNU) formed in

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<sup>52</sup> International Crisis Group, *Somalia: To move beyond the failed state*, Africa report 147, ICG, 23<sup>rd</sup> December 2008

<sup>53</sup> Daily Nation, *Al - Shabaab threatens to attack Kenya*, 17 October 2008.

<sup>54</sup> Somali website, [www.calyaale.com](http://www.calyaale.com) - Accessed on 6 December 2008

<sup>55</sup> A Somali website [cadaado.com](http://cadaado.com) 15<sup>th</sup> October, accessed on November 15,2008



Djibouti and led by Islamists and the former leader of the Union of Islamic courts, Sheikh Shariff. Other than through military means, the only other known engagement with Al-Shabaab has been negotiation undertaken by humanitarian agencies operating in the Bay and Bakool regions of southern Somalia<sup>56</sup>. These negotiations have facilitated access to the Bay and Bakool regions for humanitarian agencies.

### ***Conceptual framework***

Terrorism and the war on terror can be viewed through a number of different conceptual frameworks, most of which focus on attempts to comprehend the causes of terrorism and understand the objectives of a terrorist group. A proper diagnosis of the problem is instrumental in engineering an enduring solution. Equally fundamental is the proper comprehension of the aims of the group that has been designated as terrorist. Perhaps most fundamental of these frameworks is informed by the nature vs. nurture debate in conflict<sup>57</sup>. If governments take the nature view, their response to terrorism will be the use of force and repression. If on the other hand they take a nurture view, their responses to terrorism will be one of engagement and negotiation. It is vital to understand why people resort to violence before formulating a policy to contain the problem.

A further two opposing schools of thought see terrorism either as war or a crime<sup>58</sup>: the view that terrorism is war leads its proponents to favour repressive responses while the view that terrorism is crime leads its proponents to favour legal solutions. America's current counter-terrorism policy draws on the stance assumed by former President Bush and his close advisors on the September 2001 attacks. The attacks were interpreted as an affront to the very existence of the U.S state and thus use of the term 'war on terror' was born.

Another element is whether the focus should be on the actual perpetrators of the violence or on the potential recruits<sup>59</sup>. A focus on the former would suggest a military

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<sup>56</sup> Somali Shabelle Media network, [www.shabelle.net](http://www.shabelle.net), accessed on 29 March, 2009

<sup>57</sup> Makumi Mwangi, *Conflict in Africa: Theory, Processes and Institutions of Management*. Nairobi: CCR Publications, pg 16, 2006

<sup>58</sup> Clark, Bruce G., 1993. 'Conflict Termination: A Rational Model', *Studies in Conflict and Terrorism*, vol. 16, no. 1, January-March, pp. 25-40.

<sup>59</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 260, 2006

strategy and the latter, a 'softer' approach. If a terrorist group has popular support in the community, negotiation as counter-terrorism will most likely be the most effective strategy. If they are isolated from the community a military solution may be chosen as most effective.

The psychological versus rational choice theory is another concept that informs the debate on terrorism. At one end of the spectrum is the popular opinion that terrorists must be insane or psychopathic<sup>60</sup>. While terrorist groups are sometimes led by insane individuals, and while a few terrorist acts might be attributed to unequivocally insane persons, terrorists rarely meet psychiatric criteria for insanity. The rational actor theory posits that whatever their other psychological attributes, those resorting to terrorism possess adequate rationality to calculate costs and benefits. If the regime, therefore, can raise the costs to a sufficient level of severity and certainty, they will deter them from employing terrorism<sup>61</sup>. A second argument of rational choice theory suggests that if regimes reward terrorist acts in any way, those using, or contemplating, terrorism will calculate the benefits of such tactics as rising, and this calculation will increase their likelihood of using terrorism in the future<sup>62</sup>.

Some scholars have also explained the phenomenon of terrorism through the frustration-aggression viewpoints<sup>63</sup>. Terrorism is seen as a final expression of desperation in the face of oppression, where many are denied freedom of expression and the right to choose their leaders and live a life free of occupation. The many road blocks and the high rate of unemployment and poverty in the occupied Palestinian lands, the Russian denial of self rule to Chechens, the brutal white rule in apartheid South Africa, denial of nationhood and oppression of minority Tamils in Sri Lanka and many other examples are often explained as the underlying causes of terrorism in those parts of the world. However, the application of this concept to terrorism studies has been criticized on several counts<sup>64</sup>: millions of people live in frustrating circumstances but never turn to terrorism, many terrorists

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<sup>60</sup> Victoroff, Jeff, *The Mind of the Terrorist: A Review and Critique of Psychological Approaches*, *The Journal of Conflict Resolution*, Vol. 49, No. 1 (Feb., 2005), pg 13 quoting Hacker, F. J. 1976. *Crusaders, criminals, crazies: Terror and terrorism in our time*. New York: Norton

<sup>61</sup> Sederberg, Peter C., *Conciliation as counter-terrorism strategy*, *Journal of peace research*, volume 32, No 3, sage publications, pg 8, 1995

<sup>62</sup> *Ibid*

<sup>63</sup> J. Dollard et al, *Frustration and aggression* (London and Westport, CT.: Greenwood Press, 1980).

<sup>64</sup> Victoroff, Jeff, *The Mind of the Terrorist: A Review and Critique of Psychological Approaches*, *The Journal of Conflict Resolution*, Vol. 49, No. 1 (Feb., 2005), pg 20 quoting Merari, A., and N. Friedland. *Social psychological aspects of political terrorism:185-205*. 1985

do not belong to the desperate classes whose frustration they claim to be expressing, and terrorism does not uniformly appear to be an act of last resort by those who have exhausted alternate approaches.

The examples of well known contemporary world terrorists such as Osama bin Laden (leader of Al-Qaeda), Mohamed Atta (leader of the 9/11 team), Ayman Al-Zawahiri (deputy leader of Al-Qaeda), Abimael Guzman (leader of the shining path of Peru), Yasser Arafat (PLO) and the leftist leaders of the revolutionary groups in Europe in the 1970s shows that they are neither psychopaths, poverty ridden or illiterate individuals driven to terrorism as last resort. For example Ayman Al-Zawahiri is a medical doctor, Arafat an engineer and Osama a millionaire, thus dismissing the stereotype that many people hold of terrorists.

To design an effective counter-terrorism strategy, one must fully understand the goals of the terrorist group. That is, whether the aims are temporal or transformational. A goal is temporal when it can be achieved without overhauling the existing political structure, for instance limited autonomy. It is transformational when it cannot be achieved without a complete destruction of the status quo. When Al-Qaeda calls for the renaissance of the Islamic Khilafah system, it is sounding a death knell for the existing geo-political realities of the Islamic and western worlds. Therefore, groups that espouse goals that are temporal require rules of engagement that are different from those with transformational objectives.

An effective counter-terrorism strategy must also take into account the terrorist's relationship with their community. It is easier to prescribe a military solution to an isolated group such as Al-Ittihad Al-Islamia in Ethiopia and Somalia that was aloof and espoused Islamic ideals that were not in sync with the local Somali populations than one with grass-roots support like Hamas, Hezbollah and the Islamic Courts Union of Somalia.

The existing counter-terrorism strategy in Somalia has adopted a purely militaristic approach at the expense of other more viable options like negotiation.

## ***Research Hypotheses***

1. That the existing counter-terrorism strategies in Somalia have not been effective due to the limited understanding of the Somali context by external actors;
2. That multi-lateral negotiation would be an effective counter-terrorism strategy in Somalia.

## ***Research Methodology***

This research will probe and obtain an in-depth understanding of terrorism and groups defined as terrorists such as Al-Shabaab in Somalia.

The data will be collected through unstructured interviews with key informants, focus group discussions and secondary data sources. The key informants will include leaders or sympathisers of Al-Shabaab, officials of the humanitarian agencies working in Somalia (UN and NGOs), Somalia's Non-State Actors, Somalia government officials and members of the diplomatic corps on Somalia/donors.

At least two focus group discussions will be held with a selected sample of Somalis either in Nairobi or Somalia to validate answers of the key informant interviews. Guiding questions will be used for the interviews and focus discussions and the information from the different sources will be thoroughly examined to reinforce efforts to triangulate information given.

While the researcher will attempt to interview Al-Shabaab leaders to gain insight into the ideology of the group, the shadowy nature of Al-Shabaab and sensitivity and security restrictions might present a big challenge to this approach. The alternative option will be to interview sympathisers of the groups, monitor content of the Al-Shabaab website (Al-Kataaib.info) and speeches of its leaders.

The data will also be collected from secondary sources such as journals, websites, print media, books etc that provide details of counter terrorism approaches used with similar groups across the world.

The responses from the key informants, focus group discussion and secondary sources will be collected, analysed, triangulated and appropriate conclusions drawn.

### ***Scope and Limitations of the study***

This study is restricted to Al-Shabaab in South and Central Somalia, and seeks to explore the effectiveness of negotiation as a counter-terrorism strategy.

Fluidity of the political context and the shadowy nature of the subject of the study are both potential limitations. The ever shifting sand of Somali politics and, particularly the possibility that as the political process in Somalia moves forward, Al-Shabaab and other actors loses popular support and becomes increasingly irrelevant, are also possible limitations.

The sensitivity of terrorism as a subject and the immense level of emotions attached to the subject by state and non-state actors are also potential obstacles.

### ***Chapter layout***

#### **Chapter 1: Introduction**

This chapter constitutes the research proposal. It provides the skeleton of the entire work.

#### **Chapter 2: Contextualising Al-Shabaab within the geo-political and socio-cultural environment of Somalia since the 1990s.**

Provides an analysis of the history and ideology of Al-Shabaab within the context of political, social and economic changes in Somalia since the collapse of its central government in the early 1990s

### **Chapter 3: The effectiveness of the existing counter-terrorism strategies in Somalia.**

This chapter examines the nuances of counter-terrorism strategies and the extent to which different strategies were adopted in Somalia. The effectiveness of the different counter-terrorism strategies used or in use in Somalia are compared and contrasted.

### **Chapter 4: Multilateral negotiation as a counter-terrorism strategy and its effectiveness with Al-Shabaab in Somalia**

This chapter focuses on negotiation as a counter-terrorism strategy and the extent to which it will work against Al-Shabaab.

### **Chapter 5: Conclusions and recommendations**

This chapter will show whether research proves or disapproves the research hypothesis. The chapter also provides valuable general recommendations, policy recommendations and the way forward with regard to the issues under discussion.

## CHAPTER 2

### CONTEXTUALISING AL-SHABAAB WITHIN THE GEO-POLITICAL AND SOCIO-CULTURAL ENVIRONMENT OF SOMALIA SINCE 1990s

#### *Introduction*

The study of Al-Shabaab as an entity in Somali politics necessitates a return to the history of State collapse in Somalia and beyond. While Al-Shabaab is perhaps seen by many outsiders as a new entity in the ever chaotic politics of Somalia, a closer look reveals that the group is a continuation of existing problems in Somalia. This chapter will seek to understand Al-Shabaab through a look at the general context that has prevailed in Somalia since the collapse of Siad Barre's regime in 1990.

#### *Destructive civil war and the predation of the warlords*

The collapse of the central government in Somalia in 1990 ushered in a period that made clan – the very social organising factor of Somali society – a tool by which to carry out witch-hunts. The armed movements opposed to the predatory, repressive and clannish nature of Siad Barre's regime were themselves based on the same lines that led to their rise. Either the clans were the only constituency that armed groups could use to mobilise against the regime or they reflected many years of political manipulation of clan relations by Barre<sup>65</sup>. Either way, the failure of clan-based armed groups to unite led the major clans<sup>66</sup> to turn against each other after overthrowing Siad Barre's regime resulting in a humanitarian crisis within Somalia and mass flow of refugees to neighbouring countries.

The clan militias that were unpaid initially targeted government buildings and foreign embassies for looting before turning to general criminality. The resulting lawlessness bred and perpetuated a class of war profiteers (warlords) that were motivated by

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<sup>65</sup> Ken Menkhaus, *Understanding state failure in Somalia, internal and external dimensions*, appeared in the publication by the Heinrich Böll Foundation, *Somalia: current conflict and chances for state building*, Volume 5, 2008

<sup>66</sup> There are 4 main clans (disputed) and a cluster of minorities leading to the 4.5 formula for political settlements. The four main clans are Darood, Hawiye, Dir and Rahanwein. The main clans branch each into many sub-clans that are not homogenous and have lots of differences over resources, power etc.

greed and no longer fought against genuine grievances perpetrated by the government<sup>67</sup>. Thus began the sad story of Somalia's State collapse.

The main victims in the endless wars were civilians. The warlords tried to expand their power bases and their control of all possible sources of revenue such as towns, ports and airports which created power struggles between them. The most devastating of these inter-warlord battles pitted General Mohamed Farah Aideed against Ali Mahdi Mohamed in Mogadishu city. The majority of the previous fifteen peace talks in Somalia exclusively focused on power sharing between warlords. A closer look at the peace talks show that they largely failed due to manipulation of the warlords by external actors.

### ***Disillusionment with the warlords and the rise of Islamic courts***

The warlords - assumed to be protectors of clan interests against bigger clans - lost that appeal immediately after the end of the Somali civil war. The clan war soon degenerated into sub-clan wars driven more by inter-warlords conflict than real clan grievances<sup>68</sup>. The clan militias who were no longer paid regularly by the clan elders set up illegal checkpoints to extort money from poor Somalis and fought amongst themselves over war booty.

The endless extortion by the warlords and the sorry situation of the country culminated in the creation of clan-based Islamic courts to manage the lawlessness. The Islamic courts blended both clannish and Islamic features - two historically organising features of the Somali society - to address insecurity and the absence of judicial structures, and to a large extent managed to succeed. The courts were rooted in a clan or sub-clan in Mogadishu, behaved more like a police force than judiciary and did not enforce the entire spectrum of sharia law such as hudud<sup>69</sup>. The courts maintained a precarious balance between adherence to the clan system of

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<sup>67</sup> Theory of greed and grievances in war economy as explained in Jeremy Lind and Kathryn Sturman, *Scarcity and surfeit; the ecology of Africa's conflicts*. ACTS and Institute of Security studies, Pg 7, 2002

<sup>68</sup> Interview with Somali sources

<sup>69</sup> Hudud is a category of crime whose punishment belongs to God. They include such grave crimes as adultery, theft, murder etc that only an Islamic state can enforce and not any individuals



governance and Islamic law (which potentially weakened their co-ordination<sup>70</sup>). There were claims of 'radical Islamists' holding strategic positions such as military positions in the different clan courts and maintaining contacts that would prove useful in the future.

As such, the Union of Islamic courts (UIC) that rose to prominence in 2006 filled a vacuum created by 15 years of statelessness, especially in the capital, Mogadishu. Not only failure of factional political leadership, but also provision of social services and spiritual guidance. The foreign military action against the courts in 2006 only served to radicalise its leadership and strengthen Jihadists in Somalia by internalising their cause<sup>71</sup>.

### ***Foreign manipulation and political exclusion of Somali peace processes***

About fifteen peace conferences have been held to stabilize Somalia, and all have failed, for a number of reasons. While some of the neighbouring countries such as Kenya and Djibouti were believed to be genuine peace brokers interested in the peace and stability of Somalia, others such as Ethiopia, Eritrea and the U.S were largely seen as partisan driven by narrow national interests, proxy wars and myopic counter-terrorism strategies<sup>72</sup>. Ethiopia has undermined three of the four most credible of all the peace processes (the Cairo accord 1997, Arta agreement 2000 and the Mbagathi peace process in Kenya)<sup>73</sup>. It has given shelter and arms to almost all of the warlords at one time or another. Eritrea, on the other hand, is accused of sabotaging the Djibouti peace talks that brought Sheikh Shariff to power in Somalia. It is accused of arming and offering a base for Islamists in Somalia in order to open up another front in its conflict with Ethiopia. Sheikh Dahir Aweys, leader of Hizb-Islam lived in Asmara for two years before returning to Somalia in early 2009 to spearhead the current war in Mogadishu.

At the Arta conference held in Djibouti in 2000 clan was for the first time made the *de jure* means of political representation in Somalia. The 4.5 formula was created -

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<sup>70</sup> Roland Marchal, *Islamic political dynamics in the Somali civil war*, in Alex de Wal (ed) *Islamists and its enemies in the Horn of Africa*, London, Hurst, 2004

<sup>71</sup> This widely held view is contradicted by Meles Zenawi, Ethiopian Prime Minister. He has claimed in several interviews after Ethiopian withdraw that his military intervention in Somalia has achieved its purpose - To scatter jihadists and strengthen moderate forces among the courts. He refers to the election of the President Shariff.

<sup>72</sup> Interview with Somalia sources

<sup>73</sup> Personal Interview with Aden Sheikh Hassan, a writer and political analysts on Somali and Islamic issues in Nairobi

four major clans and a half for the minority clans - with the president, prime minister and the speaker coming from different clans<sup>74</sup>. The underlying assumption of the 4.5 formula is that clans are homogenous and the allocation of proportional seats will satisfy clans and clan members. These assumptions formed the genesis for the failure of 4.5 framework because it failed to recognise that clans have sub-clans, sub sub-clans and family units that are not satisfied by the seats allocation.

Policymakers must approach Somalia with humility and a deeper understanding as it has been much more susceptible to negative external forces than positive ones over the last two decades<sup>75</sup>. Foreign interference in peace processes has always generated ineffective government on the ground. For example, Ethiopian political interference in the Mbagathi peace process, intended to minimise Islamist influence over the new Somali government, succeeded instead in alienating the large Hawiye clan that found a political horse in the Union of Islamic Court in 2006<sup>76</sup>. The recent Djibouti peace process, meant to reward moderate Islamists led by Sheikh Shariff eventually made him appear as a stooge of U.S in its grand war on terror in the Horn.

An alternative political path has to be charted by those excluded from the peace process by the 4.5 framework. A critical mass of spoilers to any externally formed government is created if those excluded by 4.5 framework is joined up by those other actors excluded from external processes such as those on the U.S terror list and those with no means to travel to foreign capitals, such as civil society activists and grass roots leaders.

### ***A lost generation - Youth in search of identity***

Somalia has not had a strong central government for almost 20 years. In a country with an average life expectancy of 48 years<sup>77</sup>, this means that most of the present generation have either no memory of government rule or have only a vague idea of

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<sup>74</sup> This was based on the Lebanon's peace process of the 1990 in Saudi Arabia that created political representation based on religious basis – Sunni, Shia, Druze, Christian etc

<sup>75</sup> Ken Menkhaus, Somalia after Ethiopian occupation; first steps to end the conflict and combat extremism, enough project, Washington, 2009

<sup>76</sup> Matt Bryden, Union of Islamic Courts; In-depth profile, unpublished paper, 2006

<sup>77</sup> World Development Indicators online database, World Bank., 2006

it. The widespread poverty, constant violence and high unemployment rate has dashed hopes for many youth in Somalia. Many of them have resorted to making dangerous journeys across the Red Sea to Yemen or have been recruited into militias to make ends meet.

The effects of the State's collapse is evident everywhere. Somali children are growing up in desolate refugee camps in neighbouring Kenya, Ethiopia and Djibouti. They have no permission to work or hopes of integration with the host community<sup>78</sup>. Unemployment, discrimination and other generic psychological disorientations of second- or third-generation immigrants make young Muslims (Somalis are large part of this group) in Europe and America vulnerable to globalized forms of political Islam, many of whose militant versions offer hope in the restoration of an Islamic caliphate that replaces current man-made policies<sup>79</sup>. The greatest integration challenge is perhaps felt by those children who have grown up in cities in the U.S, Europe and Australia and who have then tried to reintegrate into Somali communities in Africa<sup>80</sup>.

The educated youth, well aware of the world's inequalities thanks to the free education in the Kenyan refugee camps and in of western countries, are returning to Somalia a frustrated lot, if they return at all. They are disillusioned with foreign interference blaming it for the endless war in their mother country. The Taliban (students) movement in Afghanistan was formed by disaffected students (mostly youth) living in the refugee camps of Pakistan and within a short span of time managed to get rid of the hated warlords in Afghanistan<sup>81</sup>. The factors that created the Taliban in Afghanistan are currently prevailing in Somalia and Al-Shabaab risks becoming the Taliban of Somalia.

The disillusionment of the youth is further exacerbated by the 4.5 political framework. The seats are allocated on a clan basis that mostly benefits clan elders.

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<sup>78</sup> The refugee law of Kenya (2006) does not allow refugees to work in Kenya or get integrated into the host communities by leaving the camps. The frustration in the refugee camps of Dadaab in Kenya is made worse by the absence of job opportunities for the educated refugees, despite the free education on offer.

<sup>79</sup> Pankaj Mishra, "culture of fear" article appearing in The Guardian newspaper, August 15 2009

<sup>80</sup> The first American Suicide terrorist was American Somali from the Minnesota state that carried out Hargeisa, Somaliland's bombing in October 2008

<sup>81</sup> Interview with Roland Marchal (Somali political analyst and author of paper on Al-Shabaab)

The globalized youth, through education, satellite TV etc, are disillusioned with clan structures that exclude them and are opting to connect with bigger aspirations such as belief in the Islamic emirate espoused by Islamic groups such as Al-Qaeda<sup>82</sup>. Amongst other things, Al-Shabaab espouses the creation of the Islamic emirate with equal opportunity for all Muslims (not just Somalis) regardless of the clan. This is a motivation for minority clans excluded by the pervasive clan structures and has attracted a lot of recruits to Al-Shabaab from the minority clans.

### ***Widespread poverty and role of Islamic charities***

With the collapse of the central government in Somalia, the provision of social services was taken over by a group of non-state actors with largely Islamic identities. The growth of courts, charities and businesses with an apparently Islamist character has sparked fears in some circles of a conspiracy to transform Somalia into an Islamic state<sup>83</sup>.

Somalia's annual Gross National Income (GNI) per capita is estimated at \$130 and 43% of the population have incomes below \$1 per day<sup>84</sup>. A high unemployment rate and widespread poverty among the Somali population has given room for others (not necessarily with good intentions) to fill the gap. The Islamic charities that responded to the humanitarian situation in Somalia in 1990s represented different Islamic ideologies that were propagated through educational institutions and financial support to the Somali people. Some of these organisations may also have been used as a conduit for channelling funds to terrorists individuals or organisations<sup>85</sup>.

The poverty and social neglect that characterizes the Somali conflict is open to exploitation by militants offering to make sense of the changes, to blame others for the dislocations and humiliation involved and to offer a sense of redress. The youth currently swelling the ranks of Al-Shabaab are assumed to be motivated by economic incentives with reports that each youth is offered \$200 per month – a

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<sup>82</sup> Ibid

<sup>83</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 4

<sup>84</sup> "The State of Worlds Children", UNICEF report 2006 and FAO report in 2002

<sup>85</sup> Some organisations such as Al-Haramein have been closed for suspected links with terrorists

large sum in an impoverished country<sup>86</sup>. The relationship between poverty and terrorism has long been debated, with one side pointing to the impoverished refugee camps of the Middle East as spawning grounds for terrorists and the other side pointing to the relative affluence of many individual terrorists such as Mohamed Atta, leader of the 9/11 attacks, and especially to the personal wealth of Osama Bin Laden<sup>87</sup>.

## ***Chapter 2 Conclusion***

Al-Shabaab is not a new phenomenon in Somali politics. It's organisation born and bred on nearly 20 years of chaos and statelessness in Somalia. The failed externally driven counter-terrorism strategies in Somalia of the last few years have not only produced the opposite of the desired results but have also sown the seeds of home-grown terrorism. Somalia's current dynamics are clearly linked to past ones and the international community needs to examine Somalia's chronic state failure to address the current issues of terrorism. Unfortunately, the existing counter-terrorism strategies in Somalia have to a large extent ignored this reality and instead opted for a superficial military driven response, as explored in the following chapter.

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<sup>86</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009

<sup>87</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 56, 2006

## CHAPTER 3

### THE EFFECTIVENESS OF THE EXISTING COUNTER-TERRORISM STRATEGIES IN SOMALIA

#### *Introduction*

As discussed in Chapter 1, counter-terrorism is the response to acts of terror either by military or legislative means. The specific approach to take is always defined by several factors. First of all, the initial conception of the problem of terrorism and the perception of the enemy influence the pattern of response chosen<sup>88</sup>. The view that terrorism is war leads its proponents to favour repressive responses while the view that terrorism is crime leads its proponents to favour legal solutions.

The September 11 2001 attack was clearly interpreted by former U.S president Mr. Bush as a declaration of war by Al-Qaeda<sup>89</sup> that immediately informed the decision to pursue a military response. The problem with a declaration of war is that warfare conjures up notions of victory and defeat. Former President George W. Bush was not shy about warning other nations that they either stand with the United States in its war on terrorism or they will be counted on the other side. This is a *jihad*<sup>90</sup>. Islamic terrorists too want to be considered soldiers at *jihad* with the enemy because of the legitimacy it brings and the status it confers. War generates stature and renown to terrorists thus acting as a recruitment incentive.

Secondly, goals pursued by the terrorist group, either temporal or transformative inform the counter terrorism strategy to adopt<sup>91</sup>. Temporal means the pursuit of political goals that can be met without overthrowing the current political system. We see that identity conflicts fuel much of the terrorism in the world, both internal and transnational. The identity groups - whether Sikh, Basque, Northern Irish, or Tamil - usually do not seek the utter destruction of their adversaries in the system. Their aims, while hardly benign, are not unlimited. They are issues on which compromise

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<sup>88</sup> Clark, Bruce G., 1993. 'Conflict Termination: A Rational Model', Studies In Conflict and Terrorism, vol. 16, no. 1, January-March, pp. 25-40.

<sup>89</sup> This is based on 1996 fatwa declared by Osama bin Laden describing American soldiers in Middle East as "crusaders" in Bergen, Peter, *holy war inc. inside the secret world of Osama bin Laden*, phoenix paperback, 2001, London pg 30

<sup>90</sup> Hedge, Chris, *War Is a Force That Gives Us Meaning*, anchor books, New York, 2003, pg 3

<sup>91</sup> Sederberg, Peter C., *Conciliation as counter-terrorism strategy*. Journal of peace research, volume 32, No 3, sage publications, pg 7, 1995

can be negotiated, substituting local autonomy for complete independence in some instances.

On the other hand, transformational goals, by their nature, are not subject to negotiation, and their satisfaction would require complete destruction of the State system. For example, the desire to replace the states of the contemporary Middle East with caliphate, puritanical Islamic systems, calls for complete overhaul of the existing system. However, even a revolutionary group that seeks the overthrow of the regime, not merely independence from it, has an interest in containing the level of destruction. After all, someday they hope to inherit the body politic. A military response might be the most feasible option against a terrorist group with transformational goals.

Thirdly, the relationship of the terrorist group to the community it claims to represent should inform the counter terrorism strategy to adopt. Lacking financial support, isolated terrorists groups might be forced to engage in criminal activities to fund their operations. They are also susceptible to defections and internal splits making them easier to be countered through traditional security measures<sup>92</sup>. Terrorists groups with closer ties to the communities is another case all together and in the event of harsh responses by the authorities tend to ignite recruitment bonanza for terrorists. While coercive measures might be effective when used against isolated groups such as revolutionary groups of the 1970s in Europe and the Al-Ittihad of 1990s in Somalia for example, groups that enjoy broader support from communities such as Hamas and Hezbollah among others in practice need conciliatory measures.

Lastly, the different experiences with international terrorism have contributed to vastly different perceptions of the terrorist threat and in turn to different counter-terrorism approaches. The Europeans have experienced a far greater number of incidents of terrorism on their soil over the past thirty years than the United States. The European approach to combating international terrorism is a product of their encounter with regional separatist groups and home-grow ideologically radical groups<sup>93</sup>. In Europe, for example, the British have had to deal with Irish

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<sup>92</sup> Richardson, Louise, *What terrorists want, understanding the terrorist threat*, John Murray, London, pg 13, 2006

<sup>93</sup> A.J. Jongman, "Trends in International and Domestic Terrorism in Western Europe," in Crelisten Schmid ed., *Western Responses to Terrorism*, London, Frank Cass, 1993, p. 61.

Republicans, the Germans and Italians with left-wing revolutionaries, as well as Kurdish and Algerian militants, the Spanish with the Basques and Corsicans, fundamentalist Muslims, and Sikhs.

The United States has not faced the kind of domestic, separatist militancy that many European states have had to cope with in the latter half of the twentieth century. It should not be surprising, therefore, that the different nature and perception of the terrorist threat have encouraged at times radically different responses to the problem. The United States saw international terrorism through the zero-sum structural realist prism of the Cold War<sup>94</sup>. The "long war" approach adopted by the U.S after the September 11 2001 was perceived by the Europeans as reflective of the preoccupation with the military dimension of international politics, which only risks provoking the very acts of terrorism the United States hopes to defeat.

### ***Existing Counter-terrorism strategies in Somalia***

The International community renewed its interest in Somalia after the September 11 attacks because of the threat of extremist Islamist groups, Al-Qaeda or others, using the environment of the Somali collapsed state as a safe haven from where to operate with impunity and grow new terrorists.

Below is an in-depth examination of the different counter terrorism strategies which have been tried and continue to be tested in Somalia, and the extent of their effectiveness.

### ***Designation of Somali organisations and individuals as "terrorists"***

The designation of any organisation as a "terrorist group" by the U.S State Department serves as a harbinger of punitive counter-terrorism measures and casting of the suspected terrorist group or individual as a pariah entity. Generally speaking, the assets of the organisation are frozen, leaders hunted down and countries harbouring such groups suffer sanctions and possibly military invasion.

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<sup>94</sup> A.J. Jongman, "Trends in International and Domestic Terrorism in Western Europe," in Crelsten Schmid ed., *Western Responses to Terrorism*, London, Frank Cass, 1993, p. 61.



Immediately after the terror attacks on U.S embassies in Nairobi and Dar-es-Salaam in 1998, the US State Department in conjunction with several countries such as Kenya and some Gulf States revoked the operating licence and closed the offices of the 12 Islamic NGOs operating in Somalia suspected of having links with terrorists. The most prominent of these organisations is Al-Haramein that employed the former spokesman of Al-Shabaab, Mukhtar Robow also known as Abu Mansur. There has been widespread resentment by Somalis over the closure of these organisations because they provided vital services such as education scholarships, support to orphanages, teachers' salary, and health services amongst others<sup>95</sup>. In marginalised areas such as Northern Kenya where government reach has been limited, such services were life saving for many vulnerable Somali households.

On 23 September 2001, less than two weeks after the 9/11 attacks on the U.S., President George W. Bush signed Executive Order 13224, which blocked the assets of 27 organisations and individuals linked to terrorism. Tenth on the list was a little-known Somali organisation, Al-Ittihad Al-Islamia (AIAI)<sup>96</sup>. In fact, Al-Ittihad did not start out as a jihadi organisation, and its gradual embrace of extremism and militancy proved divisive and ultimately self-destructive.

### ***Al-Ittihad Al -Islamia (AIAI)***

Al-Ittihad was designated a terrorist organisation by the U.S. government only after 9/11 and mainly on the basis of its involvement in two bombings in Ethiopia and one assassination attempt against officials of the Ethiopian government in the mid-1990s<sup>97</sup>. It is essentially a home-grown organisation, but some links with al-Qaeda have existed in the past. The significance and scope of these links are unknown, and remain the subject of intense intelligence efforts by the U.S. and its coalition partners. Al-Ittihad's domestic agenda has to date been no more violent than that of many other Somali factions. Its ideology, which assumes the triumph of religious over national identity and so rejects the legitimacy of any other state than an Islamic caliphate, is not itself a recipe for terrorism<sup>98</sup>.

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<sup>95</sup> Interview with Kenyan- Somalis in Garissa

<sup>96</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 6

<sup>97</sup> International Crisis Group, *Somalia countering terrorism in a failed state*, Africa report No 45, ICG, May 23 2002, pg 17

<sup>98</sup> International Crisis Group, *Somalia countering terrorism in a failed state*, Africa report No 45, ICG, May 23 2002, pg 17

Two leaders of Al-Ittihad - Sheikh Hassan Dahir Aweys and Sheikh Hassan Abdullahi Hirsi (Hassan Turki) - were put on the U.S terrorist lists in 2001 in the same league as Osama and Al-Zuwahiri. Opinion is deeply divided over whether Al-Ittihad still exists and if so, in what form. Whether Al-Ittihad is a franchise of Al-Qaeda or not is also a deeply divisive issue within the Somali population as well as amongst U.S officials<sup>99</sup>. Al- Ittihad is said to have changed from a 'noun' to an 'adjective', in other words from an organisation to an idea<sup>100</sup>.

It doesn't seem as though Al-Ittihad had much connection with or support from the communities either in Somalia or the Ogaden/Somali region of Ethiopia<sup>101</sup>. They were seen as aloof, wealthy outsiders disconnected with the immediate aspirations of the people and bent on imposing harsh Islamic rule among people who had practised less strict Islamic practices for centuries. This disconnect proved to be Al-Ittihad's Achilles heel when Ethiopian forces came after them. It was easier for Ethiopia to rout them and after a series of defeats, Al-Ittihad disappeared perhaps to regroup and fight again at a later date.

### ***Al-Shabaab (The youth)***

The second Somali organisation to be designated a terrorist group was Al-Shabaab in March 2008<sup>102</sup>. The Al-Shabaab militia was originally the special armed unit of the Sharia court system in Mogadishu, established sometime after 1998 by Islamist hardliner Hassan Dahir Aweys. Aweys sought to create a well trained, well-equipped, multi-clan militia which answered to the top leaders of the Islamic Courts<sup>103</sup>. At that time, all other Sharia militia in Mogadishu were clan-based, only loosely dedicated to the Islamists, and limited only to the local jurisdiction of their sub-clan's Sharia court. By contrast, Al-Shabaab was a sort of Somali *Mujahideen*, composed of young fighters committed to a radical Islamist agenda.

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<sup>99</sup> International Crisis Group. *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 13

<sup>100</sup> Ibid, quoting one U.S official based in Nairobi, pg 14

<sup>101</sup> Personal interviews with Ogaden refugees in Kenya

<sup>102</sup> Ken Menkhaus. *Somalia, a country in peril, a policy nightmare*. Enough strategy paper, 2008

<sup>103</sup> Ibid

Al-Shabaab appears to be more united than many armed groups in Somalia not least because its top leadership comprises people from almost all Somali clans, making it less prone to the clan rivalry that besets its rivals<sup>104</sup>. The leaders share a common background and ideology; all are former members of Al-Ittihad/Al-Ittisam, previously travelled to and fought in Afghanistan, and all have felt the impact of the U.S policies in the Middle East and the Horn and believed that there was no alternative other than to carry out Jihad against infidels<sup>105</sup>.

### ***Use of Warlords and other organised groups to arrest terrorists suspects***

Without a functioning central government to work with in Somalia, the U.S opted to forge partnerships with non-state actors on counter-terrorism monitoring, arrest and rendition<sup>106</sup>. These local partners included businessmen, militia leaders and notorious warlords who were meant to capture a small number of foreign Al-Qaeda operatives believed to be enjoying safe heaven in Mogadishu. The various American allies were local rivals and their militias frequently clashed; as such there was little collaboration among them despite U.S agents pressing them to do so.

In February 2006, a group of nine Hawiye clan militia leaders and businessmen announced the formation of the Alliance for Restoration of Peace and Counter-Terrorism (ARPCT)<sup>107</sup>. These warlords and the U.S government had forgotten that in the eyes of the ordinary Somali people the warlords were the real terrorists and that the American assistance would be the final nail in the coffin of warlords in Somalia (as well as faith in American support to any peace initiative).

As could have been predicted, the Somali people sided with the Islamists and in the three-month war in Mogadishu which ensued, the Islamist militias won almost every battle, and proved to possess a far better trained, equipped, motivated and better led militia than the rag-tag group of militiamen in the Alliance. The defeat of the Alliance was a major setback for the U.S counter terrorism strategy in Somalia since they had lost their 'eyes' on the ground. For the ordinary Somali however the rise of

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<sup>104</sup> BBC monitoring research, *Profile of Al-Shabaab leaders, a background briefing*, Accessed on March 25 2008

<sup>105</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, *Journal of Eastern African Studies*, June

2009

<sup>106</sup> Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, *African Affairs*, 2007

<sup>107</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008

the Islamists presented an opportunity for the restoration of law and order in Southern Somalia for the first time in 17 years.

### ***Ethiopian military invasion***

The Alliance/Islamist war of 2006 had the effect of rapidly accelerating the rise to national power of the Islamists, at that time a loose coalition, who reorganized themselves as the UIC and quickly extended their territorial control across most of south-central Somalia<sup>108</sup>. The U.S felt alarmed by the new development and had to scramble to come up with a new strategy which would attempt to stop Somalia from becoming a very real haven for terrorists.

In December 2006, Ethiopian forces with tacit approval and even military support from the U.S invaded Somalia under the guise of protecting Somalia's TFG that was marooned by the Islamists in Baidoa. It was not lost on the keen observers of Somali politics that the U.S government did not bother to use or collaborate with the then newly formed TFG based in Kenya and headed by Abdullahi Yussuf and supported by the wider international community, to fight terrorism. Instead, the Ethiopian invasion was seen as a case of the U.S 'sub-contracting' out its war on terror to its regional ally - Ethiopia<sup>109</sup>.

If the U.S intention of supporting the Ethiopian invasion was to capture high level Al-Qaeda elements then this did not materialise under the invasion. The historical enmity between the Somalis and Ethiopian highlanders soon led to a vicious armed insurgency pitting Somali nationalists, routed Islamists and clan militias on the one hand, against Ethiopian and TFG soldiers on the other hand mainly in Mogadishu and its environs. The Ethiopians and the puppet TFG engaged in an unpopular and often merciless counter-insurgency campaign against the insurgents displacing thousands from Mogadishu.

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<sup>108</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008

<sup>109</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008, pg 3

The Ethiopian forces have been implicated in numerous violations of the laws of war, including acts that amount to war crimes<sup>110</sup>. They have indiscriminately bombarded populated areas with mortar shells, artillery, and rockets. They have increasingly responded to insurgent ambushes and other attacks by firing indiscriminately in the general vicinity<sup>111</sup>. In April 2008, one of the year's most widely publicized atrocities occurred during an Ethiopian National Defence Forces (ENDF) raid on a mosque in northern Mogadishu. ENDF soldiers, operating jointly with TFG forces, reportedly killed 21 people during the raid, seven of whom were found with their throats cut. Among the dead included prominent Tabligh Islamic scholars known for their peaceful preaching and non-violent and non-political stand who were inside the mosque at the time of the raid<sup>112</sup>.

Far from rendering Somalia a less dangerous terrorist threat, the effect of the Ethiopian occupation has been to make Somalia a much more dangerous place for the United States, the West, and Ethiopia itself<sup>113</sup>. Somalis have become radicalized, blaming the Ethiopian occupation and the uncontrolled TFG security forces for the extraordinary level of violence, displacement, and growing humanitarian needs.

### ***Gunship and missile strikes on suspected terrorists targets in Somalia***

Following the Ethiopian invasion and the routing of the Islamists, the U.S government had failed to capture or kill any of the high level terrorists it had described as principle threats. However, the US believed it had 'actionable intelligence' that several 'high value targets' namely the foreign Al-Qaeda operatives it had long sought in Mogadishu, were present in two convoys of vehicles near the Kenyan border<sup>114</sup>. This prompted the next controversial and perhaps unexpected decision, when the US military command approved two aerial attacks on the suspected convoys in early January 2007<sup>115</sup>. The strikes missed their targets,

<sup>110</sup> Human rights watch "so much to fear", war crimes and devastation in Somalia, December 2008, pg 63

<sup>111</sup> Insurgents have also been accused of war crimes such as using human settlements, markets and hospitals as human shield in the same human rights reports. Al-Shabaab are currently using these tactics against AMISOM and TFG forces

<sup>112</sup> ibid

<sup>113</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008, pg 7

<sup>114</sup> Ken Menkhaus, *The crisis in Somalia; Tragedy in five acts*, African Affairs, 2007, Pg 25

<sup>115</sup> There are claims that the air strikes are against UN arms embargo in Somalia though Americans claim that the weapons are exploding and not left behind for any of the factions.

including Fazul Abdullah Mohammed, wanted for involvement in the 1998 bombings of the U.S. embassy and other attacks in Kenya, but killed some 30 civilians.

The U.S. also carried out a second round of air strikes at mid January 2007 near Ras Kamboni in southern Somalia, again close to the Kenyan border. Following the gains made by Islamist fighters in southern Somalia in the first months of 2008, the U.S. launched a third set of air strikes, this time on Doble, four miles from the Kenyan border; six civilians were reportedly killed but again not the intended targets<sup>116</sup>. A further strike on 1 May 2008 in Dhusa-Mareb town did kill a high-level target, Aden Hashi Ayro, Al-Shabaab leader and at least fifteen others<sup>117</sup>. These controversial air-strikes that in most cases missed their targets and killed civilians tethered the US directly to the Ethiopian offensive in the eyes of Somalis.

At the time of writing this report, one more American air strike using helicopter gun ships happened on Sept 15 2009 in the town of Barrawe in lower Shabelle region of Somalia and targeted Saleh Ali Nabhan. Al-Shabaab spokesman claimed that he was injured and captured by the American and taken on board a naval war ship in the Indian Ocean.

### ***Border closure and renditions***

Apart from Somalis, Kenyans have suffered most from the instability in Somalia, from the influx of refugees to the infiltration of terrorists that have carried out two attacks so far on Kenyan soil. Kenya hosted the Somali peace process in Mbagathi, Nairobi between 2002 and 2004 that led to the creation of the TFG. Despite suffering terrorist attacks organised from Somalia, the Kenyan government is perceived to have responded soberly to the Somalia conflict by giving first priority to peace talks and diplomacy. In the eyes of many Somalis, Kenya is seen as an honest broker in the Somali peace process<sup>118</sup>.

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<sup>116</sup> This attack was targeted at Sheikh Hassan Turki, former Al-Ittihad leader and one of the two Somali leaders on U.S terror list.

<sup>117</sup> Ken Menkhaus, *Somalia, a country in peril, a policy nightmare*, Enough strategy paper, 2008, pg 7

<sup>118</sup> Interview with Somali sources

However, the Kenyan government has since 2007 responded to threats of terrorism from Somalia through border closures and rendition of suspected terrorists to Somalia and Ethiopia<sup>119</sup>. The Kenya-Somalia border has remained closed for the last three years though this has not affected the daily flow of Somali refugees. The long porous border is impossible to monitor and has been constantly breached, including several kidnapping incidents by Al-Shabaab elements. The rendition of suspected terrorists to Somalia, Ethiopia and even in one instance to Guantanamo Bay has generated a large amount of criticism from human rights activists and organisations. According to some, Kenya should have ideally tried its citizens suspected of terror attacks or links with terror organisations using its own judiciary system<sup>120</sup>. Also as a signatory to the 1951 refugee convention, Kenya is in clear violation of the non-refoulement principle by sending back asylum seekers to Somalia where the weak TFG then sent them to jails in Ethiopia where they were reportedly tortured<sup>121</sup>.

### ***Chapter 3 Conclusion***

The existing counter-terrorism strategies in Somalia have to a large extent failed to remove the threat of terrorism from Somalia in the short and long term. While these measures may have killed or captured terrorists in the short-term, it is the instability and power vacuum emerging from the collapse of the Somali State that attracts terrorists looking for a safe haven and poses the greatest danger both to the outside world and to Somalis. Strong international engagement to bring peace and to reconstruct the failed State is required now if longer-term counter-terrorism objectives are to be achieved<sup>122</sup>.

The designation of organisations such as Al-Shabaab as terror groups and the targeted killings of its leaders have led those groups to extend their war to humanitarian workers, and resort to suicide attacks against TFG soldiers, religious and non-religious leaders and AMISOM forces. It does not mean that Al-Shabaab could have probably not used targeted killings but at least the designation has given

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<sup>119</sup> Human rights watch "so much to fear", war crimes and devastation in Somalia, December 2008, pg 94

<sup>120</sup> Report by Kenya's Muslim for Human Rights Forum (Muhuri), 2007, Nairobi

<sup>121</sup> Human rights watch "so much to fear", war crimes and devastation in Somalia, December 2008, pg 88

<sup>122</sup> International Crisis Group. *Somalia countering terrorism in a failed state*, Africa report No 45, ICG, May 23 2002, pg 3

them the legitimacy to target people connected with the western world. The use of warlords as a vanguard against suspected terrorists in Somalia led the Somali people to unite against the warlords, defeat the U.S-supported counter-terrorism Alliance and led to the eventual rise of the Islamists.

While Somalia has been a fertile ground for terrorists since the collapse of the central government in 1991, Islamist extremism had failed, save for brief limited attempts by Al-Ittihad in 1990s, to take a broader hold because of Somali resistance - not foreign counter-terrorism efforts<sup>123</sup>. The vast majority of Somalis desire a government - democratic, broad-based and responsive - that reflects the Islamic faith as they have practised it for centuries<sup>124</sup>. The trend has now changed and the worst is with us. The failed externally driven counter-terrorism strategies of the last few years have not only produced the opposite of the desired results but have also sown the seeds of home-grown radicalism. Somali radicalism has taken an unprecedented trajectory and it will only get worse before it gets better.

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<sup>123</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 3

<sup>124</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 3



## CHAPTER 4

### MULTILATERAL NEGOTIATION AS A COUNTER-TERRORISM STRATEGY AND ITS EFFECTIVENESS AGAINST AL-SHABAAB IN SOMALIA

#### *Introduction*

The existing counter-terrorism strategies in Somalia have not been ineffective in addressing the underlying cause of terrorism. They have led to the creation of a home-grown terror group in the shape of Al-Shabaab. At present, Al-Shabaab has matured into a force to reckon with in Somali politics, and at one point or another will have to be engaged either through the barrel of the gun or at the negotiating table. While punitive counter-terrorism strategies have been plenty in Somalia, there is need to examine whether negotiation can be used to counter terrorism in Somalia.

There are two parts in this chapter. The first part will examine the origin, organisational structure and leadership of Al-Shabaab and the second section will look into the prospects of multilateral negotiation with Al-Shabaab.

#### *The birth of Al-Shabaab*

The full name of Al-Shabaab is Harakatul Shabaabul Mujahidin<sup>125</sup> (Islamic Youth Movement) and the origin and ideology is subject to different interpretations. One source claims that the name Al-Shabaab was first publicly heard by the Somali people on Feb 19 2006, after the defeat of the counter-terrorism coalition in Mogadishu by the Union of the Islamic Courts<sup>126</sup>. Thereafter the group issued a statement opposing the Khartoum peace talks claiming to be fighting not just for the Somali cause but for global Islamic aims. The mysterious black flag of Al-Shabaab - conspicuously different from the famous Somali blue flag with a star at the centre - also emerged for the first time in July 2006. It became apparent to ordinary Somalis that the Union of Islamic Courts was not a united movement but was comprised of a mix of genuine religious leaders and also possibly Jihadist elements<sup>127</sup>.

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<sup>125</sup> The group has recently instructed Somali media to call them by this name that they consider their proper name.

<sup>126</sup> Personal interview with Somali sources, July 2009 - The radical elements within the UIC were noticed long before by Somali political analysts and the interview confirmed it.

<sup>127</sup> Interview with Somali lawyer confirmed by an official of an international organisation based in Nairobi

A second source says that Al-Shabaab was created in 1998 by Islamist leader Hassan Dahir Aweys as a crack military unit of the Islamic Courts<sup>128</sup>. Sheikh Aweys it is claimed wanted to avoid past mistakes where Islamists were divided by clan allegiances and by access to military hardware which was easily withdrawn by the business people at the most critical time<sup>129</sup>. A further claim is that it was created in mid-2006 by Hassan Dahir Aweys protégé - Aden Hashi Ayro - as a group of 400 fighters; a special unit of the Courts militia to carry out a "dirty war" and later spearhead the insurgency against the Ethiopian and Somali government forces<sup>130</sup>. The common theme running in all of three sources is the involvement of Maalim Aden Hashi Ayro<sup>131</sup> in Al-Shabaab.

Abu Mansur, former spokesman of Al-Shabaab said "Al-Shabaab was formed... after people returned from the fighting in Afghanistan in which the Taliban was ousted. Some officials of the Islamic movements who were in the country at the time held a meeting having felt that their groups were not that active as far as jihad was concerned"<sup>132</sup>

At the start of the insurgency against the Ethiopian and TFG forces, Al-Shabaab was perceived as one of the three broad distinct coalitions of insurgents fighting the Ethiopian invasion with roughly three units within it based on clan dynamics - one operating in Mogadishu and the central regions of Galgudud and Hiraan; a second operating in the Bay and Bakool and Shabelle regions; and a third operating in the Juba region<sup>133</sup>.

### **Organisational structure**

Al-Shabaab appears to be more united than many armed groups in Somalia not least because its top leadership comprises people from almost all Somali clans,

<sup>128</sup> International Crisis Group, *Somalia: To Move Beyond the Failed State*, Crisis Group Africa Report N°147, 23 December 2008, pg 16

<sup>129</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009

<sup>130</sup> *Ibid*

<sup>131</sup> Ayro was the head of the Sha Halane court, one of the clan-Islamic courts formed by his Ayr sub-clan in southern Mogadishu. There are claims that he was involved in the desecration of the Italian cemetery in Mogadishu in 2005. He was later killed in a U.S missile attack in March 2009 in the central Somalia town of Dhusa Mareb.

<sup>132</sup> The interview was aired on Al-Jazeera Arabic program called *today's meeting* on March 5 2009. [www.al-jazeera.net](http://www.al-jazeera.net).

Accessed on 25 March 2009

<sup>133</sup> *Ibid*

making it less prone to the clan rivalry that besets its rivals<sup>134</sup>. The leaders share a common background and ideology; all are former members of Al-Ittihad/Al-Ittisam, previously travelled and fought in Afghanistan, all felt the impact of the U.S policies in the Middle East and the Horn and believed that there was no alternative other than to carry out Jihad against infidels<sup>135</sup>.

The leadership is decentralised with independent units covering different geographical areas, which have distinct military and political commanders. The decentralised leadership has several advantages for the group; firstly, the removal of top leadership doesn't cripple the group – this important lesson was learnt following the death of Ayro and other key leaders in March 2008. Secondly, decisions in the group are made by a cluster of leaders to reduce clan manipulation and possibly clan wars that Al-Shabaab can easily lose<sup>136</sup>. The commanders of the different regions do not come from the main clans dominating those regions for purposes of neutrality and this forestalls possible clan manipulation. For example the Kismayo administration is led by Ibrahim Afghani (Issaq clan) from the Somaliland region with no clan interest in the area. In Merka town, the leadership is led by Fuad Shangole (from the Awrtoble/Darood clan of Puntland region) with no clan claims to the town.

The composition of Al-Shabaab and the identity of its rank and file members remains largely a secret<sup>137</sup>. There are claims that the Al-Shabaab is divided into two broad sections - Ansar (local Somalis) and Muhajirun (Foreign fighters)<sup>138</sup>. Somali interlocutors, while acknowledging the presence of foreign fighters among the rank and file of Al-Shabaab, expressed little knowledge of their numbers and names. There are also claims that key terrorist leaders behind the American embassy bombings in Nairobi and Dar and Israeli hotel in Mombasa are among the leaders of

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<sup>134</sup> BBC monitoring research, *Profile of Al-Shabaab leaders, a background briefing*, Accessed on March 25 2008

<sup>135</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, *Journal of Eastern African Studies*, June 2009

<sup>136</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, *Journal of Eastern African Studies*, June 2009

<sup>137</sup> This is to forestall infiltration and manipulation by outsiders. The Somalis interviewed have expressed vague idea of the organisational structure and this is what my opinion will be based.

<sup>138</sup> Interview with Somali sources

the group<sup>139</sup>. One of the key foreign leaders, Saleh Ali Nabhan (aka Abu Yussuf), was killed or injured and his body taken away by Americans on Sept 15 2009 at the town of Barrawe in lower Shabelle region of Somalia<sup>140</sup>. This is the latest air-strike at the time of writing this report

There are five units (Usrah) that exist within Al-Shabaab<sup>141</sup>. *Usratul Al-Qiyada* is the overall leadership that links all the other units/branches of the group. *Usratul Al-Qubaa* is the judiciary department. *Usratul-Mujahidin* or the soldiers/military unit is further sub-divided into different units such as Usra for mine, Usra for suicide etc. The fourth unit deals with morality (promotion of virtue and prevention of vices). There is *Usratul Wilayat* or the regional councils unit that deals with management of regional affairs. These different units do not necessarily know each other and are believed to be linked by the overall leadership. In such a structure, the loss of a few cadres is a major blow compared to the killing of a few dozen sympathisers<sup>142</sup>.

### ***Leadership of Al-Shabaab***

Al-Shabaab leadership appears to revolve around a few key Somali personalities, some of whom are described below<sup>143</sup>:

#### ***Ahmed Abdi Godane (aka Abu Zubeyr or Ina Godane)***

He is the overall leader (Emir) of Al-Shabaab following the death of Ayro<sup>144</sup>. He was born in 1977 in the relatively peaceful self-declared republic of Somaliland and belongs to the Arab sub-clan of the Issaq clan. He is said to have studied in Pakistan, got military training in Afghanistan, returned to Hargeisa in 2001 and preached in the city's Abu Bashir mosque between 2002 and 2003. He moved to Mogadishu in 2004 and became the Secretary General of the Union of Islamic Courts during its administration in southern

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<sup>139</sup> Names such as Fazul Abdullahi, Saleh Ali Nabhan and Abu Sudani have long been mentioned. Others such as Abu-Ameriki are believed to have joined them later.

<sup>140</sup> BBC news interview with Al-Shabaab Spokesman aired on Sept 16 2009. He said Nabhan was injured and taken by the American to a naval ship at the Indian ocean

<sup>141</sup> Interview with Somali sources

<sup>142</sup> Marchal, Roland, *A Tentative Assessment of Harakatul Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009, pg 17

<sup>143</sup> Somali websites and interview with Somali sources. I will not focus much on the foreign fighters here since little is known about them.

<sup>144</sup> Somali websites and interview with Somali sources

Somalia in 2006<sup>145</sup>. Abu-Zubeyr has been linked to a number of terrorist attacks in Mogadishu and Somaliland in which expatriate workers were killed. He is said to be behind the killing of BBC journalist Kate Peyton, who was shot dead in front of her hotel in Mogadishu in February 2005<sup>146</sup>. He has also been linked to the murder of Italian aid worker, Annalena Tonelli in Borama, Somaliland, on 5 October 2003 as well as the murder of two British teachers, Dick and Enid Eyeington, who were shot dead on 21 October 2003 in the town of Sheikh in Somaliland. He has been sentenced to death in absentia by a Somaliland court for his role in the October 2008 bombing of Hargeisa that targeted UNDP offices, the Ethiopian consulate and Presidential palace.

### ***Sheikh Mukhtar Robow (aka Abu Mansur)***

Abu Mansur is the most well known figure of the group who until recently held the title of the official spokesman of Al-Shabaab. He hails from the Laysan sub-clan of the Rahanwein clan of Bay and Bakool region of southern Somalia, a former employee of Haramain Relief Organisation that was prohibited by the U.S after the 9/11 attacks, travelled and trained in Afghanistan and served as deputy secretary general of UIC. In April 2009, he was replaced (He said he retired in his handover press conference) as spokesperson by Sheikh Ali Dheere over claims of differences with overall leader of Al-Shabaab following Abu Mansur's decision to release government officials captured by Al-Shabaab during takeover of Baidoa town. He has also been accused of allowing humanitarian agencies to operate in his home region of Bay and Bakool when they were banned from other Al-Shabaab controlled areas.

### ***Ibrahim Haji Jama (aka Ibrahim Afghani)***

He hails from the Saad Muse sub-clan of the Issaq clan of Somaliland and is head of the Kismayo Islamic administration. He has travelled and trained in Afghanistan from where he derives his nickname Afghani. He returned to Somalia in late 1990 and tried to persuade the then pacific *al-Ittihad* to take

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<sup>145</sup> Somali website Bartamaha.com accessed on 19 May 2009.

<sup>146</sup> Somali website Waagacusub.com accessed on March 17 2008

up arms against Siad Barre in the service of jihad. In April 1991 he joined *al-Ittihad's* last-ditch (and unsuccessful) defence of Kismayo against the forces of General Mohamed Farah Aideed, instructing other fighters in the use of infantry weapons. In 2004, following the publication of his name in the Somaliland press as a suspect in the killings of several aid workers, al-Afghani fled to Mogadishu where he aligned himself with Ayro.

***Sheikh Fuad Mohamed Qalaf (aka Fuad Shangole)***

He is a former secretary of education in the defunct Union of Islamic Courts and said to be in his thirties. He comes from the Awrtoble sub-clan of the Darood clan of Puntland and his father was a former prominent sportsman in Somalia. He is currently said to be head of Merka administration as he comes from a neutral clan that has not settled in the lower Shabelle region.

***Khalif Adale (aka Abu Muhsin)***

He comes from the Ayr sub-clan of Hawiye clan, briefly joined the ARS-Asmara before re-joining Al-Shabaab. He is said to have been instrumental in the capture of Merka town.

***Sheikh Hussein Ali Sidow***

He is the head of political and regional affairs, hails from the Murursade clan and in July 2008 ordered all humanitarian organisations working in Somalia to register with his office.

***Al-Shabaab as an independent political-military entity***

The first weeks of the Ethiopian intervention were a difficult time for Al-Shabaab and nearly destroyed the group because the leaders had no clan camouflage and became an easy target for Ethiopian and American forces<sup>147</sup>. During the two year presence of the Ethiopian army, Al-Shabaab cadres including Sheikh Ibrahim Haji, Abu-Quteybah, Maalim Aden Hashi Ayro, and Omar al-Tawil (aka Abu Jabaal) were killed.

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<sup>147</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009

However, after these initial setbacks, Al-Shabaab emerged as a major military and political grouping in Somalia. This revival from the jaws of defeat could be attributed to several factors - both internal and external - that have occurred in Somalia from late 2007 to date. Firstly, the kinetic impact of the U.S counter-terrorism strategy in the Muslim world and Somalia was not an exception. The backing of the Ethiopian invasion and the subsequent use of air strikes in Somalia clearly pointed to the opening of another front of the war on terror in Somalia. This led to the radicalisation of Somalis in the diaspora and increased the flow of foreign fighters into Somalia. Secondly, Al-Shabaab appealed to the Somali youth who saw the group as a way to fight against invaders (Ethiopians and the U.S); economic incentives also enhanced recruitment<sup>148</sup>. In this case, the Somali youth drew some parallels between the Al-Shabaab and the Taliban that ousted the warlords in Afghanistan.

Thirdly, as suggested above, there is wide acceptance that the financial muscle of Al-Shabaab served a major recruitment bonanza though little is known about the sources of funding<sup>149</sup>. External financing from the foreign fighters in their ranks is possibly the greatest source of funding however<sup>150</sup>. Clearly, financial support provided by Al-Shabaab made a difference in an economy ravaged by war which offered little or no employment prospects for the youth. The Bakara market in Mogadishu is also mentioned with each trader voluntarily or being forced to contribute to the struggle<sup>151</sup>. Fourthly, key clan leaders in Al-Shabaab attract recruits from their clans<sup>152</sup>. The claim that Al-Shabaab enjoys popular support from minority clans such as Murursade and Laysan is attributed to such charismatic leaders of Al-Shabaab as Abu-Quteybah (killed in a U.S air-strike) and Abu Mansur respectively.

Fifthly, the targeted killings of key clan leaders who organised the early insurgency against the Ethiopian forces and the absence of many others through exile created a

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<sup>148</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009

<sup>149</sup> Somali and non-Somali sources interviewed.

<sup>150</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009

<sup>151</sup> Interview with Somali source claim that at the moment most traders, not sympathetic, to the Al-Shabaab have left the Bakara market since they could not withstand this constant 'taxes'.

<sup>152</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009, pg 15

vacuum that was later exploited by Al-Shabaab to revive their organisation<sup>153</sup>. Al-Shabaab leadership never ventured outside Somalia throughout the insurgency and this created opportunity for them to claim autonomy from other Islamists and perpetuate their ideology. They made brief forays into towns to canvass popular support and win legitimacy and credibility<sup>154</sup>. Al-Shabaab was able to repudiate clan-based politics, seek support from other Islamists and stake a claim to the imminent victory against the Ethiopians. They publicly criticised the formation of the Alliance for Re-liberation of Somalia (ARS) in Asmara dismissing it as driven by clan ideology and not committed to Islamic ideals<sup>155</sup>.

Lastly, the capture of Kismayo and Merka, both strategic sea-ports in the long coastline of Somalia, served as an important source of revenue for Al-Shabaab. The capture of these towns also served as a chance for Al-Shabaab to show their repudiation of clan politics. For example, the Kismayo administration is led by Ibrahim Afghani (Issaq clan) from the Somaliland region with no clan interest in the area. In Merka town, the leadership is led by Fuad Shangole - Awrtoble/Darood clan of Puntland region - with no clan claims in the town.

### ***A Marriage of convenience with Hizb-Islam***

Hizb-al-Islam (Islamic Party) is a coalition formed in February 2009 by four insurgent parties; Alliance for Re-liberation of Somalia (ARS-Asmara), Ras-Kambooni, Anole camp and the Somali Islamic front. The relationship between Al-Shabaab and Hizb-al-Islam remains precarious. However, the two groups are not strange bedfellows: both oppose the U.S war on terror, and Shariff's government and both embrace Salafist ideology.

Despite shared positions, there are still fundamental differences between these two groups that might cause confrontation once the common enemy – the TFG and AMISOM - has left. While both Hizb-al-Islam and Al-Shabaab want to implement

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<sup>153</sup> The drivers of the targeted killings are not known with different giving different angles to it. Some claim it was Transitional Federal Government out to settle past clan atrocities. Others blame it on Al-Shabaab who was seen as getting rid of clan and other opinion leaders as future opponents of their ideology in Somalia.

<sup>154</sup> International Crisis Group, *Somalia: To Move Beyond the Failed State*, Crisis Group Africa Report N°147, 23 December 2008, pg 17

<sup>155</sup> *Ibid*



Sharia law, the former wants to localize their control while the latter have international ambitions to reach out to neighbouring countries and to the world with their agenda. Hizb-al-Islam recently split after one faction led by Sheikh Yussuf Indha'adde<sup>156</sup> joined Shariff's Government after the latter agreed to implement Islamic law in the country. The main Hizb-al-Islam faction is led by veteran Islamist Sheikh Hassan Dahir Aweys, deputised by Sheikh Hassan Turki with Sheikh Muse Abdi Arale as defence secretary.

The close working relationship between the two groups has led to some claims that they are in fact the same organisation<sup>157</sup>. However, major ideological schisms exist between the two groups. For example, the Ras Kambooni group, one of the groups in Hizb-al-Islam and associated with Hassan Turki is currently involved in a tussle with Al-Shabaab over control of administration and revenue of Kismayo port and city. Al-Shabaab has been running the port-city of Kismayo in an uneasy tripartite agreement with Ras Kambooni and Anole camp dominated by clans from the Juba region. Al-Shabaab is reportedly reluctant to handover Kismayo's administration to the Ras Kambooni camp in line with a pre-capture agreement and several meetings to resolve the issue have as yet either been delayed or failed to bear fruit<sup>158</sup>.

The leader of Hizb-al-Islam, Sheikh Hassan Aweys has on several occasions opposed Al-Shabaab's position, for example condemning the suicide killing of Somali security minister Omar Hashi, claimed by Al-Shabaab and dismissing their statement on imposing Islamic law in the whole of Africa. On Islamic law he said "It is irrational to say that we can go anywhere in Africa outside Somalia. People who said that are youths with limited knowledge"<sup>159</sup>. The differences between the two groups almost turned into violent confrontation in July 2009 when Al-Shabaab forcefully captured two French hostages from the custody of Hizb-al-Islam<sup>160</sup>.

It seems that Hizb-al-Islam is the choice for Islamists who don't embrace the hard-line ideology of Al-Shabaab and who are opposed to Shariff's government for either

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<sup>156</sup> Yussuf Indha'adde is notorious warlord-turned-Islamist who served as a defence minister under the Union of Islamic Courts (UIC).

<sup>157</sup> Interview with western diplomat

<sup>158</sup> Interview with Somali sources

<sup>159</sup> Somali website Somalijecel accessed on 24 May 2009

<sup>160</sup> Sheikh Aweys (Hizb-Islam) said that his group released the two hostages to Al-Shabaab to avoid confrontation.

excluding them politically or for those whom his rapprochement with U.S and Ethiopian government still remains unpalatable. The marriage of convenience between Al-Shabaab and Hizb-al-Islam is driven by the realisation that they have a common destiny and enemy and that each has something to bring to the table. Al-Shabaab has the military and financial resources while Hizb-al-Islam has the clan clout and leadership experience for rallying disparate Islamic forces to a common cause.

### ***Multilateral negotiation with Al-Shabaab***

Martha Crenshaw<sup>161</sup> observes that terrorism declines because of three factors: physical defeat of the extremist organization by the government, the group's decision to abandon the terrorist strategy, and organizational disintegration. The existing counter-terrorism strategies in Somalia have mainly focused on the physical defeat of the terrorist organisation and to a large extent seem to have failed given the renewed strength of Al-Shabaab

Punitive actions may be the most plausible option against isolated fringe groups, but a movement with a broad base of even passive support presents a very different problem. Neither the TFG nor any other external forces will be able to overpower and completely defeat Al-Shabaab. Correspondingly, Al-Shabaab can score tactical victories against the TFG and allied forces but it cannot rout them. The current fighting in Mogadishu has shown that no side can militarily defeat the other. This quagmire can be expected to continue and thus necessitates the need for engagement other than through military means

To understand whether negotiation works with Al-Shabaab or not, we must first examine possible connections between Al-Shabaab and *Takfir Wal Hijra.*, Secondly, we will analyse Al-Shabaab's use of pragmatism in navigating through the treacherous politics of Somalia. In the third part we will look into failed negotiation attempts with Al-Shabaab. Lastly, we will also look into actors (state and non-state) that can act as interlocutors in multilateral negotiations with Al-Shabaab.

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<sup>161</sup> Crenshaw, Martha, 'How Terrorism Declines', *Terrorism and Political Violence*, 1991 vol. 3, no. 1, pp. 69-87.

### ***Al-Shabaab and Takfir Wal Hijra***

*Kharijism* refers to a mainly extremely violent and puritanical Islamic sect that practices a highly politicised and divisive religious system. The term Kharijite or Kharijism is derived from the Arabic verb '*kharaaja*' meaning deserted, seceded or rebelled<sup>162</sup>. *Takfir* is derived from the Arabic term '*Kufr*' meaning heresy. *Takfir* is the pedestal of the Kharijite ideology and largely means describing as infidels all those that do not subscribe to the principles of the sect. The two terms of *Kharijism and Takfir* can be correctly employed interchangeably. Kharijites deviated from all the acceptable norms of warfare and killed non-combatants, the elderly, women and infants. In fact, they were known to dismember their victims and mutilate them in blatant disregard of the well-delineated Islamic rules of conduct in warfare<sup>163</sup>.

Al-Shabaab has often been accused of been a *Kharijite* group (*Takfir*) that will not be open to any form of negotiation. Most of these accusations come from the *Ahlu-Sunna Wal Jamaa* group following Al-Shabaab's destruction of the graves of Sufi religious scholars in different parts of Somalia<sup>164</sup>. Al-Shabaab has to some extent employed other practices associated with *Takfir wal Hijra* such as describing current leaders of the TFG including former Islamic Courts leader Sheikh Shariff as a *Murtad* (heretic). Also, the tendency to fire rockets at AMISOM from civilian-populated areas that results in retaliatory mortar shelling back into these areas has fuelled allegations of Kharijite connections. Al-Shabaab's founder, Aden Hashi Ayro and his friends have had a close relationship with a small group of *Takfir wal Hijra* led by Sheikh Abdikadir Sheikh Mohamud<sup>165</sup>.

Despite the above-mentioned connections, there is no clear proof that Al-Shabaab is a Kharijite group. Al-Shabaab members have continued to pray with other Muslims and have not resorted to vintage Kharijite's violence associated with the Armed Islamic Group (GIA) in Algeria such as beheading children and women and slitting the throats of victims. Furthermore, Al-Shabaab's infidel label has not been

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<sup>162</sup> Aden Sheikh Hassan, *Kharijism in Islam, Genesis of a violent ideology*, an unpublished paper, July 2009.

<sup>163</sup> Aden Sheikh Hassan, *Kharijism in Islam, Genesis of a violent ideology*, an unpublished paper, July 2009.

<sup>164</sup> Ahlu-Sunna Wal Jamaa group belongs to the Sufi sect that is a mystical Islamic movement that is mainly apolitical in nature. *Sufism* was the predominant sect in most Muslim societies but it gradually lost its appeal due to its unfettered borrowing from Christianity and atheism that generated a spiritual worldview often grossly dissimilar to pristine Islamic fundamentals. In Somalia, the group has become camouflage for warlords looking for a spiritual platform to resuscitate waning popularity<sup>164</sup>.

<sup>165</sup>

extended to the wider Somali society as has been the result of the GIA in Algeria. The firing of rockets from civilian neighbourhoods - a terrorist and an immoral act - does still have a political motive of trying to provoke a public backlash against indiscriminate mortar shelling from AMISOM<sup>166</sup>.

Al-Shabaab is an Islamic organisation and Islam accepts negotiation and welcomes all means of peaceful settlement to conflicts. It's an Islamic duty to mediate between two warring parties and if one party refuses there is duty to fight the recalcitrant party<sup>167</sup>. Prophet Muhammad entered into a peace treaty with non-muslims in Mecca in the early days of Islam. The Hudeybiya treaty (named after a town near Mecca) was entered into between the prophet and the Mecca tribes opposed to his rule. The treaty was not in the best interest of Muslims at the time but the prophet approved to show the importance of negotiation in certain situations. All issues are negotiable in Islam except conversion from Islam that is not allowed under any circumstance.

### ***Al-Shabaab as a rational political actor***

Most of the general information about Al-Shabaab depicts them as a splinter group driven by Al-Qaeda's radical ideologies, not interested in the support of the Somali people, and not open to any overtures of peace. Despite rejecting past negotiation attempts however, the actions and behaviour of Al-Shabaab reveal that they operate similar to any political outfit, interested in the support of the people and mindful of the impact of negative public opinion for their actions, insofar as they harm or promote their agenda.

Former Al-Shabaab spokesman, Sheikh Mukhtar Robow in his exclusive interview with Al-Jazeera attempted to illustrate the group's limits by denying involvement in some of the barbaric acts claimed to have been committed by the group. On the destruction of the graves of religious leaders in Kismayo and other towns suspected to have been carried out by the Al-Shabaab, Abu Mansur said "As for the graves, do

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<sup>166</sup> The indiscriminate and retaliatory mortar shelling from AMISOM has elicited negative reactions from the local population in Mogadishu with claims of war crimes from agencies such as Amnesty International

<sup>167</sup> Interview with an Islamic scholar. The two most important Islamic sources of law, quran and sayings of the prophet, both place a lot of emphasis on mediation between people (not just between muslims)

not believe if you are told that these graves have been demolished by Al-Shabaab. Does the Sharia Law accept the demolition of these graves, yes or no? That is a debate for another day"<sup>168</sup>

In a further revelation of the political goals of the group, Abu Mansur continued, "Whenever we are doing anything, we always think about whether it is appropriate to do it at this time or not. If for example demolishing of these graves will force some clans to take up arms and result in the illegal spilling of blood, then we have an obligation to stop its demolition until these people can be made to understand the issue from a religious point of view"<sup>169</sup>. On the immediate priorities of Al-Shabaab after the capture of Baidoa (seat of the TFG), Abu Mansur said "Sharia law rules as per the book [Koran] and the Sunna [Practises of the prophet] and common sense. We apply all of these rules as they are. But in order to bring back the Islamic Khalifa, we will attain our goals by spreading religion, accountability and Jihad".

That Al-Shabaab has been ruling the port town of Kismayo in a tripartite agreement with two other groups - Ras Kamboni and Anole – is a clear illustration that the group is fully aware of political expediency. These two groups provided clan support to Al-Shabaab whose absence would have made it difficult to capture and retain the town from a clan coalition administration<sup>170</sup>. However, Al-Shabaab has been in a quiet power struggle for the last few months particularly with the Ras Kamboni group over the control of Kismayo port<sup>171</sup>. The Ras Kamboni group, which consists mainly of members of the Ogaden clan that dominates the Juba lands where Kismayo lies and led by Hassan Turki (one of the two Somalis on the U.S terrorists list), has been pressuring Al-Shabaab to handover the Kismayo port in line with a pre-capture agreement.

Al-Shabaab denied involvement in the killing of the Islamic courts members immediately after the formation of the new government led by former Islamist Sheikh Shariff. The group was not yet sure of the extent of support enjoyed by the new

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<sup>168</sup> The interview was aired by Al-Jazeera Arabic program called *today's meeting* on March 5 2009. [www.al-jazeera.net](http://www.al-jazeera.net). Accessed on 25 March 2005

<sup>169</sup> Ibid

<sup>170</sup> Kismayo was held by Juba Valley Alliance, a clan coalition, cobbled together by Warlord Colonel Barre Hirale, who hailed outside the Juba land areas.

<sup>171</sup> Local Somali sources

government and it took them a while to attack them. In a further move that alludes to the political nature of the group in complete contrast with the messages we hear against them, Al-Shabaab spokesman Sheikh Mukhtar Robow (Abu Mansur) denied his group's involvement in the killings of the senior Islamic commanders in Mogadishu<sup>172</sup>. It took the arrival of Sheikh Dahir Aweys in Mogadishu for the group to unite with Hizb-Islam and launch a full scale war against the government and AMISOM forces.

The decision by the spokesman of Al-Shabaab in March 2009 to allow aid organisations to access and provide humanitarian assistance in Bay and Bakool clearly demonstrates that the behaviour and the decision making of the group conforms with the nature of any political group<sup>173</sup>, at least in this respect. Just like any political group, Al-Shabaab is allowing humanitarian assistance to reach ordinary people in the areas they control and this shows that they are interested in winning the hearts and minds of the Somali people.

The top leadership of Al-Shabaab consists of people from almost all Somali clans, which make it less prone to the clan rivalry that besets its rivals<sup>174</sup>. There have been accusations of clan favours by Al-Shabaab following the release of TFG officials (from Abu Mansur clan) after the capture of Baidoa and the decision to allow humanitarian agencies to operate only in Bay and Bakool. As a result, Abu Mansur (the popular Al-Shabaab spokesman) retired (or replaced) and handed over his portfolio to avoid such criticism. The Mogadishu major clans have given lukewarm reception to Al-Shabaab following the arrival of the new government in March 2009 and the replacement of Mukhtar Robow with Sheikh Ali Dheere from the Murursade clan (Hawiye and Mogadishu) is a move to increase popularity.

Al-Shabaab, contrary to their rhetoric of avowed opposition to non-Muslims, agreed publicly to impose a fine on two French hostages abducted from Hotel Sahafi in Mogadishu on July 14 2009 rather than stiffer penalties. Many were puzzled by the

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<sup>172</sup> [www.shabeelle.com](http://www.shabeelle.com) "Somalia: Al-Shabaab distances itself from killing of Islamic courts members" accessed on April 17

2009

<sup>173</sup> [www.shabeelle.com](http://www.shabeelle.com) Al-Shabaab permits aid agencies to operate in south-western Somali regions" Accessed on 29 March 2009.

<sup>174</sup> BBC monitoring research, *Profile of Al-Shabaab leaders, a background briefing*, Accessed on March 25 2008

move but it showed the rational tendencies of the group. Al-Shabaab statement said that the two men were not captured in combat and therefore do not deserve a death sentence<sup>175</sup>. The rumour is that the group is facing cash flow problems and wants to trade-off the two men for a huge ransom<sup>176</sup>.

### ***Failed attempts to negotiate with Al-Shabaab***

There have been several attempts to negotiate with Al-Shabaab in the past over political issues but they have so far failed to succeed. During the rule of the UIC in Somalia, Al-Shabaab frustrated the Arab-led mediation efforts in Khartoum. The conditions then set by Al-Shabaab for any talks to happen were the withdrawal of Ethiopian forces, removal of Abdullahi Yussuf and imposition of Islamic law<sup>177</sup>. At the Djibouti peace talks that formed the new government under Sheikh Shariff, all of the above conditions were fulfilled but Al-Shabaab were outside the process and this opportunity was missed.

Secondly, Al-Shabaab rejected the formation of the Alliance for Re-liberation of Somalia (ARS) in Asmara as a political tool to regionally oppose TFG and the presence of Ethiopian forces in Somalia. In late October and December 2007 it continued to criticize the ARS as a club of old-fashioned clan figures and questionable Muslims<sup>178</sup>. Al-Shabaab further rejected the peace talks initiated by the ARS faction based in Djibouti. When the ARS-Djibouti leader won the presidential election, they described his swearing-in based on the Somali constitution as un-Islamic. Al-Shabaab now call Shariff a *Murtadh* (heretic)<sup>179</sup>

Thirdly, Al-Shabaab rejected attempts to bring them to the negotiating table by Somali and foreign Islamic clerics for talks between the Islamic groups after the formation of the new government of Sheikh Shariff and withdrawal of Ethiopian forces. The clerics issued a set of conditions that included; withdrawal of AMISOM

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<sup>175</sup> [www.kismaavonews.com](http://www.kismaavonews.com) – one of the websites that support Al-Shabaab

<sup>176</sup> One of men has so far escaped in an unclear circumstance. He was said to have escaped from his captors and walked to presidential palace in Mogadishu. My personal interview with a Somali source says that \$500,000 was paid to Hizb-Islam captors enticing them away from the \$3m that their leaders were asking for. .

<sup>177</sup> Interview with Somali sources, Nairobi, May 2009

<sup>178</sup> Marchal, Roland, *A Tentative Assessment of Harakat Al-Shabaab in Somalia*, Journal of Eastern African Studies, June 2009, pg 16

<sup>179</sup> Small websites quoting Al-Shabaab statement

forces within 120 days, a guarantee that insurgent groups would not attack AMISOM forces within those 120 days, new government to rule by Islamic law and for Islamic groups to desist from describing their opponents as infidels<sup>180</sup>. Al-Shabaab ignored the conditions and carried out a deadly attack against the Burundian contingent of AMISOM that killed eleven soldiers. In addition, the delegation from Qatar sent by prominent Islamic scholar Yussuf Al-Qardawi was from the Majma al-'ulemaa (Council of Islamic Scholars) that Shariff belongs to and the armed opposition made this connection and refused to meet with the delegation<sup>181</sup>.

Fourthly, Al-Shabaab has rejected several calls for negotiation from president Shariff including his latest call at the start of the holy month of Ramadan 2009. Al-Shabaab has not only dismissed call for a truce but has also vowed to re-double the number of attacks against AMISOM and TFG forces<sup>182</sup>. Hizb-Islam leader, Sheikh Dahir Aweys while talking about efforts to unite Al-Shabaab and Hizb-Islam forces also rejected calls for a truce from President Shariff and said that negotiation can only happen once three conditions are fulfilled; withdrawal of AMISOM forces, resignation of president Shariff and holding of internal peace conference in Somalia<sup>183</sup>. President Shariff has always included in his call for negotiation the condition that the armed groups lay down their weapons for a seat at the negotiation table.

### ***Multilateral actors in negotiation with Al-Shabaab***

Al-Shabaab just like any other political actor distinguishes friends from foes and it's these friends that can act as interlocutors in any multilateral negotiations with the group. Track one actors with the greatest leverage against Al-Shabaab are Arab states such as Qatar and Saudi Arabia with claims that these two governments have negotiated for wounded Al-Shabaab leaders to be treated in South African Hospitals<sup>184</sup>. Eritrea is also believed to have some influence over the group though

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<sup>180</sup> The exact details of the meeting that clerics held with the different sides are not clear. Some of the interview sources claimed that the opposition did not meet with the delegation of the foreign clerics. Others claimed that they met but the conditions were rejected by the foreign leadership of Al-Shabaab.

<sup>181</sup> Interview with Somali Islamic lawyer

<sup>182</sup> [www.shabelle.net](http://www.shabelle.net) accessed on August 22 2009.

<sup>183</sup> [www.shabelle.net](http://www.shabelle.net) accessed on August 23 2009.

<sup>184</sup> Personal Interview with Somali political research analyst based in Nairobi, Sept 2009



this influence is greater on Hizb-Islam<sup>185</sup>. Depending on the extent of its relationship with Al-Qaeda, Al-Shabaab might be opposed to most Arab states because of their secularism and closeness to the U.S and other western states. However, the Qatar delegation sent by influential cleric Sheikh Qardawi was rejected by Al-Shabaab over claims of biasness towards President Shariff.

Currently, the closest ally of Al-Shabaab in Somalia is Hizb-Islam. The two groups are fighting alongside one another in the current offensive against government and AMISOM forces in Mogadishu. Hizb-Islam is clearly driven by political interests and can be brought to the table with the right incentives such as the 75 seats set aside for opposition by the United Nations Political Office for Somalia (UNPOS) according to the Djibouti peace agreement in late 2008<sup>186</sup>. Sheikh Aweys, believed to be the spiritual leader of all Islamists in Somalia, also needs strong assurances such as his removal from the U.S terrorist list in order to come to the table. He has so far stated three conditions for any negotiations; withdrawal of AMISOM troops, resignation of President Shariff and the holding of a peace conference for Somalis within Somalia<sup>187</sup>: a Somali-Somali dialogue.

However, now that the special seats have been allocated to civil society, women and other marginalised groups, it leaves little room for those outside the process to be enticed. Nevertheless, one faction of Hizb-Islam has so far joined the government and negotiations could be started with Hizb-Islam and this process could be used to reach out to Al-Shabaab<sup>188</sup>.

The humanitarian organisations such as World Food Programme (WFP), UN-OCHA and other International NGOs have held talks with regional Al-Shabaab leaders particularly in the Bay, Bakool, Gedo and middle Juba regions of southern Somalia. These talks have mainly centred on humanitarian access for these organisations

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<sup>186</sup> Interview with Somalia's Ambassador to Kenya. The extra 275 seats added to the Somali parliament under the Djibouti peace talks have been allocated as follows; 200 seats to ARS-Djibouti led by Sheikh Shariff and 75 seats left vacant for those outside the peace process. There has been a lot of confusion over the ownership of the 75 seats with women, civil society and other groups claiming right to the seats.

<sup>187</sup> [www.shabelle.net](http://www.shabelle.net) accessed on August 23 2009.

<sup>188</sup> Personal Interview with Somali lawyer, July 2009

and have produced mixed results<sup>189</sup>. While Al-Shabaab regional leaders are open to humanitarian dialogue, they have come under increasing pressure from the overall leadership not to allow humanitarian organisations to operate in areas under their control for fear of possible espionage<sup>190</sup>. The humanitarian organisations have also been criticised for lack of co-ordination and disregard of common principles of humanitarian engagement with non-state armed groups<sup>191</sup>. Al-Shabaab recently released a communiqué from the Department for Political Affairs and Regional Administrations informing NGOs and foreign agencies of the formation of the office for supervising affairs of foreign agencies and instructing them to register with it<sup>192</sup>.

The Somalia clan leaders and religious scholars play an important role in ensuring that Al-Shabaab's excesses are kept under control. In Jowhar town, for example, the clan leaders have pressurised Al-Shabaab to allow humanitarian and development organisations to resume operation despite ban on operation of certain agencies<sup>193</sup>. Islamic scholars also draw admiration and respect from the Al-Shabaab and can act as important interlocutors in any negotiation. Islamic scholars also help to re-interpret Quranic verses that Al-Shabaab uses to legitimise violence. The group expresses equal admiration and loathe for the scholars because they can be a double-edge sword. Islamic scholars have played an important role in securing release of abducted persons and hijacked vehicles from Kenya<sup>194</sup>.

#### **Chapter 4 Conclusion**

Negotiation with terrorists is often a necessary first step toward defeating them or reaching an acceptable compromise. Efforts by the U.S to reach out to the Iraqi Sunni tribal groups many of them linked with the terrorist organisations have turned them against Al-Qaeda in Iraq<sup>195</sup>. Negotiation has been used to unravel and better

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<sup>189</sup> Personal Interview with a Nairobi representative of an International NGO

<sup>190</sup> Abu-Mansur (Al-Shabaab's spokesman) has had a lot of difference with Emir of Al-Shabaab for allowing NGOs to operate in his home region of Bay and Bakool. This is linked to his final removal from the position of official spokesman

<sup>191</sup> Interview with Senior humanitarian advisor, Department for International Development

<sup>192</sup> Al-Shabaab communiqué dated July 27 2009

<sup>193</sup> Interview with UNDP officials in Nairobi

<sup>194</sup> In one hijacking incident of a vehicle belonging to one of the humanitarian agencies in Kenya -Somali border, Al-Shabaab is said to have requested communication with a prominent Islamic scholar in Garissa as a condition for the release of the vehicle.

<sup>195</sup> Byman, Daniel, *talking with insurgents: A guide for the perplexed*. Centre for Strategic and International Studies, Washington Quarterly, April 2009.

understand organisations such as Al-Shabaab. This strategy will help undermine the radical wing of the group from the moderate wing thus facilitating the fragmentation of the group with possible positive outcomes for the peace process. For example, the Tamil Tigers were defeated in the first half of 2009 by the Sri Lanka army after negotiation overtures split the group. Negotiation also changes the perception of the group against its enemies. The Djibouti peace talks for example helped to reduce deep-seated suspicion between Ethiopia and moderate wing of Islamic Courts led by Sheikh Shariff which led to an agreement, albeit it now an unpopular one.

The findings from this chapter show that there are mixed results in the negotiations outcomes with the Al-Shabaab. The overall leadership seem resistant to negotiations as seen in the removal of former spokesman Abu Mansur for holding negotiations with the humanitarian agencies. The opposition to negotiations from the overall leadership could be attributed to the fact that the top leaders are susceptible to arrest and loss of influence in any negotiations. For example, significant numbers of the leaders are from the relatively peaceful regions of Northern Somalia and have minority status in Southern Somalia making them negotiate from a position of weakness. The foreign fighters are also not interested in any negotiations since all of them are wanted for various crimes in their countries and the fear of capture looms large<sup>196</sup>.

While the above two constituencies are opposed to peace talks, there are many other leaders and members of the group that have joined the group for clan and political interests Al-Shabaab is not just a group driven by purely religious ideology. On the contrary and despite all rhetoric and signs of defiance, Al-Shabaab has the hallmarks of a rational political actor constrained by clan politics and negative local public opinion. For example, commanders of the different regions do not come from the main clans dominating those regions for purposes of neutrality and as an attempt to forestall possible clan manipulation.

The group also enjoys popular support in areas under its control because it attends to the immediate priorities of the local population such as restoring security and the

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<sup>196</sup> Interview with a member of the Somali Civil Society, May 31 2009, Nairobi

provision of public services. Ordinary youth that get recruited to Al-Shabaab do not necessarily share the terrorist ideology of the group. Young men join the group for immediate and specific reasons such as a charismatic clan leader, economic reasons or as an opportunity to further political aspirations. Therefore, while punitive actions may be the most obvious option against isolated fringe groups, the benefits of dialogue far outweigh the costs for a movement with a broad base of support such as Al-Shabaab.

## CHAPTER 5

### CONCLUSION AND RECOMMENDATIONS

#### ***Introduction***

This chapter summarizes the findings of the study in relation to the objectives of the study. The chapter also provides valuable general recommendations, policy recommendations and the way forward for the issues under discussion.

#### ***Conclusion***

This study set out to examine the role of counter-terrorism in the realisation of sustainable peace in Somalia.

The findings of this study show that terrorism in Somalia is linked to state collapse, the absence of peace and widespread violence over the last 20 years. While attention to terrorism has to some extent deterred global terrorist organisations from establishing a foothold in Somalia, counter-terrorism policies have not been effective in addressing the underlying causes of terrorism. The findings of this study show that ordinary Somalis face the greater dangers from terror associated with poverty, disease, malnutrition and conflict than from political terrorism. These are the factors that need to be addressed immediately and with decisive investment to make Somalia and its neighbours "safe from terrorism".

While Somalia has been a fertile ground for terrorists since the collapse of the central government in 1991, Islamist extremism has failed, save for brief limited attempts by Al-Ittihad in 1990s, to take a broader hold in the past because of Somali resistance - not foreign counter-terrorism efforts<sup>197</sup>. The existing counter-terrorism strategies in Somalia have focused mainly on the "terrorists" rather than on the potential recruits, putting emphasis on military means and to a large extent have managed to act as a magnet for "terrorist organisations". The findings of this study

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<sup>197</sup> International Crisis Group, *Somalia Islamists*, Africa report No 100, ICG, 12<sup>th</sup> December 2005, pg 3

show that these strategies were largely based on flawed policies and have contributed to increased (not diminished) threat of terrorism in Somalia.

The phenomenon of Al-Shabaab is a creation of the failure of existing counter-terrorism strategies in Somalia. This study shows that there have to be alternative measures to address the increased threat of terrorism to Somalis and non-Somalis in Somalia. It also shows that Al-Shabaab is not just a single monolithic entity inspired and driven only by the ideology of Al-Qaeda. The study has revealed that there are leaders and many members of Al-Shabaab that respond to negotiation overtures. Negotiation could work with Al-Shabaab but only with the right approach, at the right time and with acceptable actors on the other side of the table. The non-engagement approach driven by outsiders and adopted by the Somali government has only strengthened Al-Shabaab.

Counter-terrorism strategies have played a negative role in achieving sustainable peace in Somalia because the focus of the strategies has always been on symptoms rather than the underlying causes of terrorism and this approach must be urgently reassessed.

### ***Recommendations***

This study recommends both short term and long term policies for countering terrorism in Somalia. The counter-terrorism strategy in Somalia should be designed with clear targets with greater focus on potential recruits and less on the “terrorists”.

The U.S terror list in Somalia should be amended or shelved all together since it is perceived to only target Islamic leaders and is the single major impediment to all possible engagement with Islamic groups in Somalia. The real “terrorists” in the eyes of the ordinary Somalis are missing from the list. The important list is “spoilers of peace in Somalia” and should include warlords, militia leaders, Islamists, business people, external spoilers, amongst others.

The non-engagement posture driven by the “terror tag” should be done away with and engagement with Islamic groups should start immediately. The initial

engagement should be driven by neutral track-two actors such as NGOs, UN agencies, businessmen, diaspora leaders and Islamic leaders. This initial engagement should be used to understand the dynamic and decision making modalities of the groups. The actors should then come up with negotiation mechanisms for those interested in peace and find ways of dealing with spoilers.

The militarization of the war on terror should be minimised and "soft" counter-terrorism measures such as public diplomacy aimed at winning the hearts and minds of the Somali people be given more prominence. Efforts should be fire-walled against kinetic counter-terrorism strategies such as military strikes, Ethiopian invasion and illegal renditions. The Kenyan government recently realised the folly of just relying on military means of counter-terrorism by starting a public education programme in collaboration with the Islamic clerics for the youth to prevent Al-Shabaab recruitment<sup>198</sup>.

Political reforms with greater focus on legitimacy, inclusion and credibility are needed. The Somali peace framework should evolve from externally organised peace talks in foreign cities to a bottom-up process that includes selection of delegates from the villages and towns in all regions to a national Somali organised conference. External peace talks should only be used to validate results and not select delegates. External partners should support the outcome of such a process and not impose candidates. The terror list should not be the basis for exclusion of genuinely selected leaders from participating in the process. Any threat from Somalia - whether genuine or fabricated - felt by the Somali neighbours should be channelled only through international mechanisms such as the United Nations.

Any transitional federal Somali government that emerges from the above process should be the basis for carrying out transitional tasks such as a constitution making process, referendum, census and elections. If selected, Islamic leaders should be responsible for the reconciliation process that includes return of property to rightful owners amongst other grievances that have in the past ignited clan wars. The losers in the political process should be supported to become legitimate opposition forces to hold the government accountable.

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<sup>198</sup> Dally Nation of August 23

The foreign (and domestic) elements in Al-Shabaab who will not be receptive to peace overtures should be arrested and charged according to due legal process. There should be no illegal renditions, illegal detentions and forced expatriation to Guantanamo base or any other foreign jails as in addition to being illegal, also serves to fuel resentment towards foreign counter-terrorism practices. This resentment in turn breeds radicalism. The foreign fighters should be tried where justice is guaranteed in Somalia or at the International Criminal Court (ICC), if the Somali government is unable or unwilling to try them.



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## **Appendix 1: Guiding questions for the research**

The information given is purely for academic purposes. The research focuses on *"Multilateral negotiation as a counter-terrorism strategy; a case study of Al-Shabaab"*. You may wish to remain anonymous and your anonymity will be guaranteed. Due to the sensitivity of this research, interviewee's details shall be kept confidential at all times. I can send you a copy of this research on request.

### **1. Al-Shabaab; origin and ideology**

- Do you think Al-Shabaab is a terrorists group?
- What is the origin of the Al-Shabaab? Resistance group, Takfir (Khawarij), Al-Qaeda, rehating of clan interests etc
- What is the relationship between Al-Shabaab and Hizb-al-Islam?

### **2. Existing Counter-Terrorism (CT) strategies in Somalia**

- What are the existing/current CT strategies in Somalia? Who are the actors in these strategies?
- Success/ Weakness of the existing CT strategies in Somalia?
- What should be done differently in Somalia's CT strategies?

### **3. Negotiation strategy with Al-Shabaab**

- Are you aware of any existing negotiation with Al-Shabaab?
- Do you think negotiation works/will work with the Al-Shabaab?
- Who should negotiate with Al-Shabaab?

Yours sincerely,

**Aden Maow Abdi**