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The 'Building Blocks' Approach to the Stabilization Effort in Somalia: The Case of Jubbaland Regional State of Somalia, 2011-2014

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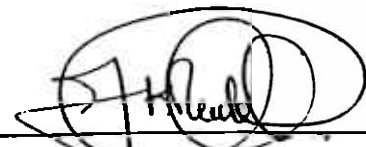
NOVEMBER 2014

DECLARATION

I declare that this research project is my original work and has not been presented for the award of any other degree in any other university.

Signed: _____   Date: ___28 | 11 | 2014___

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This research project has been submitted for examination with our approval as the university supervisors.

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DEDICATION

I dedicate this work to the peoples of Somalia, who have been struggling to rebuild their country from the destruction of civil war.

ACKNOWLEDGEMENTS

LIST OF ACRONYMS

ADB	African Development Bank
AIAI	Al Ittihad Al Islamiyya
AMISOM	African Union Mission in Somalia
AU	African Union
ARPCT	Alliance for the Restoration of Peace and Counter Terrorism
CBOs	Community Based Organizations
CIC/ICU	Council of Islamic Courts/Islamic Courts Union
CT	Counter Terrorism
EU	European Union
ENDF	Ethiopian National Defence Forces
FEWS NET	Famine Early Warning System Network
FGD	Focus Group Discussion
FGS/SFG	Federal Government of Somalia/Somali Federal Government
FSNAU	Food Security and Nutrition Analysis Unit
HDI	Human Development Index
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IJA	Interim Jubbaland Administration
IPSTC	International Peace Support Training Centre
KDF	Kenya Defence Forces
KHRC	Kenya Human Rights Commission
LPI	Life and Peace Institute
NGO	Non-Governmental Organisation
SNA	Somali National Army
SNF	Somali National Front
SNRC	Somalia National Reconciliation Conference
SRRC	Somali Restoration and Reconciliation Council
SNM	Somali National Movement
TFG	Transitional Federal Government

TNG	Transitional National Government
INGO	International Non Governmental Organisation
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNOSOM	United Nations Operations in Somalia
UNITAF	Unified Task Force
UNPOS	United Nations Political Office for Somalia
US	United States of America Government
USC	United Somali Congress
OAU	Organisation of African Unity
OIC	Organisation of Islamic Conference
LAS	League of Arab States
SRSG	Special Representative of the Secretary General
DANIDA	Danish International Development Agency
NFD	Northern Frontier District

DEFINITION OF TERMS

Building blocks

This is a conflict resolution approach that seeks to break the territory down into smaller pieces that can be managed by a local authority, whereas these then later are re-unified under a decentralized federal system.

Federal system

This is a democratic equitable policy procedure which allows sharing through cooperation and involves the division of power between a central government entity and local state governments. Division of political power between centre and states, of a federal democratic nation, bequeath most vital authorities related to national security, stability, major foreign policy and minting of financial notes to the central government, with states sharing subsidiary responsibility.

Ethnic Somalis

Somalia nationals who are by descent Somalis socio-culturally.

Non-ethnic Somalis

Somalia nationals who are not Somali socio-culturally.

Political actor

This refers to a state or a non-state formally organised or organised group that is party to a conflict.

Protracted conflict

Conflict situations characterized by the prolonged and often violent struggle by communal groups for such basic needs as security, recognition, acceptance, fair access to political institutions, and economic participation.

Spoiler

Groups or individuals that will never compromise or negotiate or are extremely rare. Even though most actors in a conflict will use spoiling behaviour as a tactic, this should not be seen as static in their outlook or labelled as unambiguously opposed to peace.

ABSTRACT

Somalia had been without a Government since 1991 civil war despite massive international efforts to create a strong central Government. The conflict actors in the failed state had engaged in torture and other ill-treatment, rape, extrajudicial executions, arbitrary detention and attacks on civilians and civilian infrastructure along causing mass displacements to the populations. The recommended international conflict resolution template for the world was found not to work for Somalia and therefore a custom 'medicine' had to be sought. Therefore, after soul searching the international community discovered that if it intervenes should promote programs and organizations that support Somalia-led reconciliation. South central Somalia crisis which had exacerbated had been a product of failed policy which was the obstacle to traditional peacemaking practice and ultimately had produced Al Shabaab.

The study sought to undertake a holistic study of Somalia's theatre of conflict in general, focusing on the Jubbaland region of South Central Somalia in particular. The research's paramount objective was to bridge the gap in literature on Somalia by examining three cardinal objectives; first, examine the success story of Jubbaland; secondly, examine the lessons that the entire Somalia can learn from Jubbaland; and finally, examining the benefits of a stable Somalia to Kenya. To achieve these stipulated objectives, the study had employed the state-building approach to rebuild a 'failed state' from the hinterland towards the capital area (bottom-up approach) by applying the Rousseau's Social Contract Theory while contrasting with the Force theory which views the establishment of political authority by conquest and use of force (top-down approach).

The study employed primary and secondary data collection methodologies. Primary data was collected using standard questionnaires, oral interviews as well as key informant indicators. Respondents were chosen through a representative sampling technique. On the other hand, secondary data was collected using table reviews of print and electronic books, journals, newspapers, bulletins as well as internet sources.
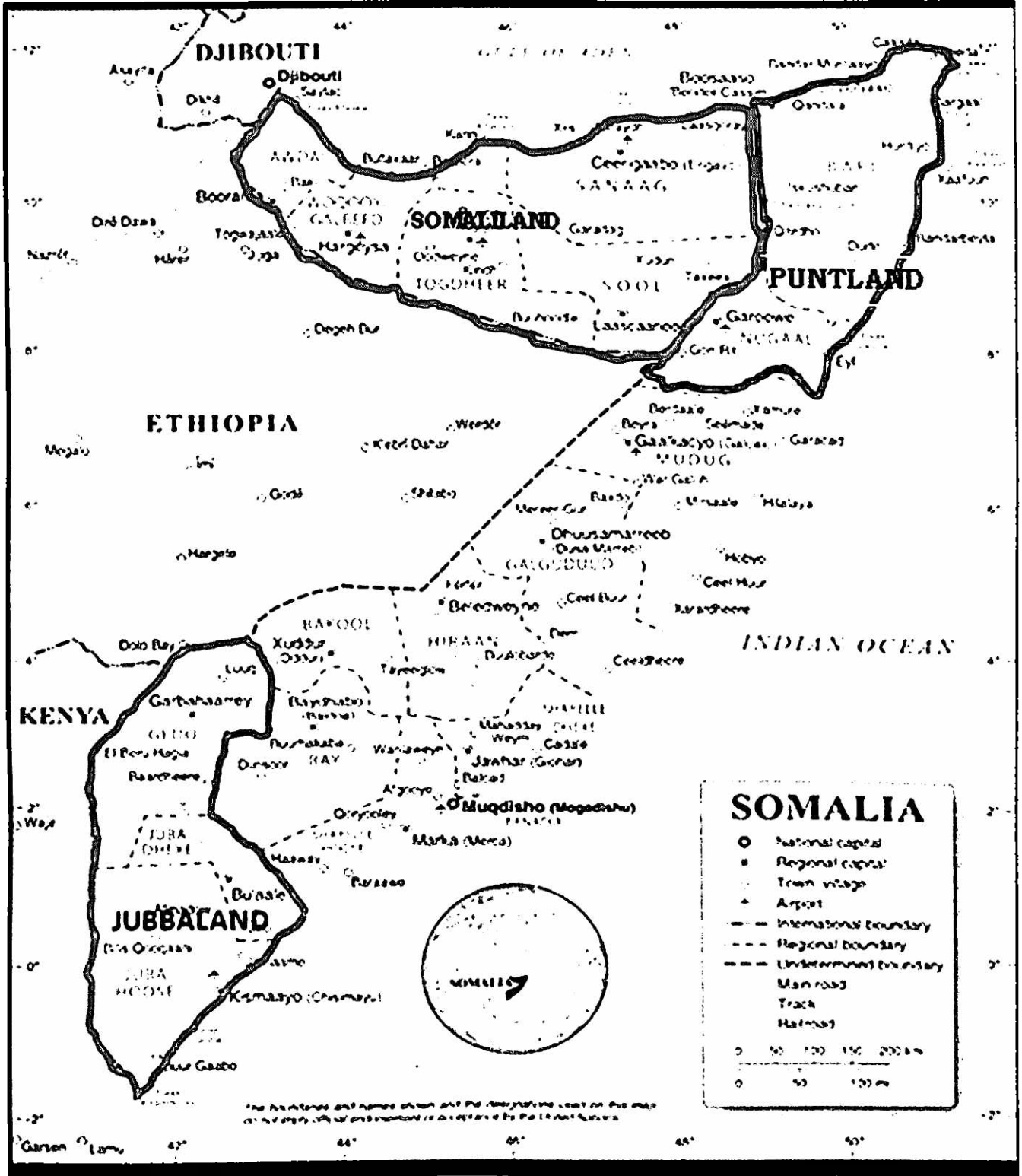
The study established that clannism and religion were undoubtedly important factors which determined unity or disunity in Somalia. The study found that Somali Federal Government and Jubbaland administration were cooperating to defeat Al Shabaab in establishment of the Jubbaland regional administration despite being challenged by clan affiliations. However, Al Shabaab had managed to conquer clannism by emphasizing on religious ideology. The inclusion of women and other civilian elements in the formation of Jubbaland were the recipes for success in the formation of the regional administration.

The study found that power sharing played more important than reconciliation among the Somalia conflict resolution players. The Somalia conflict resolution efforts were challenged as there were competing regional and international interests. Ethiopia played as a peace mediator in the case of Jubbaland contrary to its previous mediations contributions when it had played as a spoiler. Kenya who had made significant political and military support towards the stabilization efforts in Somalia stood to benefit as the challenge of hosting the Somali refugees would be addressed. In addition, the insecurity

created by the volatile state in Somalia and consequential under-development in Northern Kenya would be remedied.

The successful formation of Somaliland, Puntland and now Jubbaland had barred any other option of stabilizing Somalia save for the 'building blocks' approach. The rest of South Central Somalia had Jubbaland as an example since they were to be formed when the Somalia State as a major actor was in existence.

MAP OF SOMALIA

Source: Danida

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

Somalia is often described as the world's most enduring and comprehensively failed state, and international efforts to rebuild the country have historically focused on the restoration of central government. But restoration of the state lies at the heart of the Somalia conflict, representing both an apparent solution to the crisis and its most obvious underlying cause.[1] The country had been ranked the leading state in the Failed States Index of 2013. It was the world's second largest source country of refugees with over 1,136,100 by 2012 after Afghanistan with over 1,100,000 internally displaced persons.[2] Somalia lost about 258,000 people including 133,000 children in less than five years due to famine between October 2010 and April 2012.[3] The country's maternal mortality rate was unacceptably high due to lack of health infrastructure and was the highest in Africa at 1,400 per 100,000 live births, compared to an average of 683 on the African continent.[4] Somalia was identified as a terrorist safe haven and hosted the terrorists responsible for 1998 bombings of US embassies in Nairobi and Tanzania, Kikambala bombing of 2002, Kampala bombings of 2010 and the Westgate shopping mall attack in Nairobi in September 2013.[5]

Since the civil war in Somalia officially begun in 1991, Kenya has seen its state of security deteriorate. This has largely been contributed due to the influx of refugees fleeing from the war-torn nation of Somalia and the great polarity of Kenya's borders which has seen even non- registered refugees gain access into the country. Over the years, terrorism has become a global phenomenon. The Northern and North-Eastern regions of Kenya are most notorious for poor security due to the high number of Somali refugees who settled mostly in these areas and some of whom have gained citizenship

[1]M. Bryden, and J. Brickhill, (2010).Disarming Somalia: lessons in stabilization from a collapsed state.*Conflicts, security and development*, 10(2), 239-262.
[2]UNHCR Global Trends (2012).*Displacement: The New 21ˢᵗ Century Challenge*. UNHCR: The UN Refugee Agency.
[3]FASNAU and FEWS NET, 2010-12 *Mortality in southern and Central Somalia*, May 2, 2013.
[4]African Development Bank group (2013), Somalia country brief 2013-2015.OREB department, ADB.
[5]United States Government Accountability (2011).*Combating terrorism*. 441 G street NW. Washington DC.

status and therefore being referred to as Kenyan Somalis. Unrest in these two regions of Kenya has largely been due to inter-clan conflicts from the Kenyan Somalis who have settled in these areas which has caused many deaths to the people caught up in the fighting. Apart from inter-clan fighting in the Northern and North Eastern regions, Kenya has also witnessed and unfortunately been a victim of major terrorist attacks within its borders and the perpetrators being terrorists from the group Al-Shabaab whose capital base is inside Somalia and one of their aims being launching these attacks on Kenya is intended to destabilize the country.[6]

Indigenous borne solutions to solve this protracted conflict that has relegated the Horn of Africa's nation into a black hole have been tried with some degree of success in some areas and utter failure in others. Most of these peace efforts were a mix of tradition and modernity succeeded in Somaliland and Puntland. The success registered in Somaliland and Puntland of forming regional governments 'building blocks' seemed to work for Somalia than lifting the collapsed central government. This example was taken to form Jubbaland regional state in which the case study is based on. Jubbaland is a region bordering Kenya and Ethiopia. It is a region composed of Gedo, Middle Jubba and Lower Jubba administrative regions of Somalia.

With this reality in view, this study thus sought to examine the Jubbaland political success story. The study also sought to draw lessons that the entire Somalia can learn from Jubbaland while also examining the benefits that Kenya as a country stands to reap from stability in Somalia.

1.1.1 Background to the Somalia Conflict

The Somali speaking peoples of the Horn of Africa have always regarded themselves as one people and have therefore never excused the colonial powers for the balkanization of the Somali nation into separate entities a phenomenon that led one British author, Salman Rushdie opining that, "to be Somali is to be a people united by one language and divided

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[6] Institute for Development Studies, Sussex University, *Third World Quarterly, Vol. 20* p.113.

by maps." [7] It is this analogy of the Somali nation that has been the cause of one of the most protracted conflicts in modern history especially since the collapse of communism in 1989 that was signified by the fall of the Berlin Wall, a period dogged by the constant threat of a no holds barred nuclear Armageddon that hang like the proverbial swords of Damocles upon the earth.

History has it that since 1960 when the Republic of Somalia was founded, it only experienced the functionalities of a democracy for nine years before it was taken over by President Siad Barre through a military coup in 1969. After taking over power and declaring Somalia to be a socialist state, President Siad Barre's regime saw an increase in clan divisions and animosity against his rule. This eventually saw the clans uniting to form armed forces with the aim of removing him from power. In the year 1991, the armed clan militias finally succeeded in removing Siad Barre from power and after doing this, they took control of the capital Mogadishu. [8]

The Ogaden War can be arguably said to have erupted in 1976, widespread violence erupted in the Ogaden as Barre financed Somali guerrillas to attack Ethiopians. The Somali government officially declared war on Ethiopia in 1977. Somalia sent thousands of soldiers into the Ogaden and quickly captured large amounts of Ethiopian territory. Somali forces struck so quickly that by mid-September 1977, Ethiopia conceded that ninety percent of the Ogaden was in Somali hands. Somali weaponry primarily consisted of Pre-1977 Soviet donations, including over two hundred and fifty medium-armour tanks and more than three hundred armoured personal carriers. [9]

Somali troops attacked the major outpost of Ethiopian forces in the Ogaden at the city of Harer, but failed to dislodge the troops from the city. The Ethiopian army regrouped, and with the help of eleven thousand Cuban troops and Soviet aircraft and artillery,

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[7] Salman Rushdie was referring to the colonization of East Africa by European powers splitting the Somali people and creating enormous havoc in the process. See Rushdie, S. (1991, July 6). *Somalians are not Ethiopians.* Washington Post , p. 17

[8] Center for American Progress, *Twenty Years of Collapse and Counting* p.7.

[9] E. Rediker, (2003). *The Ogaden: A Microcosm of Global Conflict.* Pittsburg.

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counterattacked, driving Somali forces from many of Ogaden's major towns and cities. Somali forces were seriously weakened by this counterattack. In March, 1978, Somalia recalled the national army from the Ogaden. It had lost nearly eight thousand soldiers, three-fourths of its armoured units, and more than half of the Somali Air Force.[10]

Coupled by the 1987-1991 Somaliland Liberation War, the aftermath of the Ogaden War was the collapse of the Siad Barre dictatorship in 1991. The Ogaden War has been interpreted by some as the single most important turning point for the Siad Barre regime. At the outset, the conflict caused a flood of mainly ethnic Somali refugees. By 1979 there were officially one million three hundred thousand refugees in the country. More than a half of these refugees were settled in the northern part of Somalia, where one in four of the population was a refugee, a situation that precipitated a refugee crisis.[11]

This in part is due to the fact that the arrival of forced migrants intensified pressure on limited physical resources and services, further aggravating tensions between local inhabitants and refugees. Resentment intensified as the Issaqs were reduced to second-class citizens in their own territory. The government's policy of recruiting refugees into the army also spurred on tensions. More generally the failed war wholly eroded the credibility of the army and police, the asserted guardians of Pan-Somali nationalism.[12]

The Somali situation has also been complicated by the fact that a potent form of citizenship exists in Somalia sharply dividing the society into clan fringes with disastrous results. Representation is a complex issue in Somali society, which has been devastated by several decades of civil war causing distrust between people and disillusion with the 'state'. This has often strengthened the prestige of warlords and political elites both from

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[10] Ibid.

[11] I. Ahmed, & R. Green, (1999). The Heritage of War and State Collapse in Somalia and Somaliland: Local - Level Effects, External Interventions and Reconstruction. Third World Quarterly, Vol 20, No 1, 113-127.

[12] Ibid.

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the domestic front as well as those in the diaspora. Such actors often lack interest in peace or broad based legitimacy in Somalia in the long term.[13]

The more than two decades of ruthless clan civil wars brought long lasting unrest and open-ended reconciliation that bore no fruits.[14] Its collapse engendered debate concerning the cause of its dysfunction and what should be done to establish stability. The most common reasons given for Somalia's failure include: its clan system, enduring effects of colonialism, lack of sufficient economic resources, and blundering by the international community at peace building. While these factors play a role in explaining Somalia's collapse, they do not reach the heart of the problem.[15]

How can the Somalia state reconcile its clan-based politics and warring parties? Crisis group reports that "it is of the utmost importance to ensure that all key stakeholders including clan elders, Islamic leaders, representatives of the business community, civil society and women are engaged in an inclusive political and institutional process".[16] This is by the way of reaching out to moderate elements and persuading them to reign in their radical factions in exchange for a share in government. This means striking a balance between a legitimate central authority that is recognized, but allows local governance to endure as the nature of Somali security. Menkhaus describes a "mediated state in which the government relies on partnership (or at least co-existence) with a diverse range of local intermediaries and rivals sources of authority to provide core functions of public security, justice, and conflict management.[17]

1.1.2 Background to the Formation of Regional States 'Building Blocks'

Somaliland formed itself into a Government in 1991, immediately after the collapse of the Siad Barre Government through 'home-grown' initiative by the Isaaq clan and the

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[13] Hoehne, Markus V. *Political Representation In Somalia: Citizenship, Clanism And Territoriality.* Retrieved on 13th November, 2014 from http://www.c-r.org/sites/default/files/Accord%2021_10Political%20representation%20in%20Somalia_2010_ENG.pdf

[14] Q. H. Farah, (2011). Political revolution in Somalia.*Socio-political,* vol. I, series no 17.

[15] W. A. Poole, (1994). *The effort to save Somalia.* Washington, DC: Government Printing Office.

[16] International Crisis Group (2007). *Somalia: the tough part is ahead.* ICG, 1-14.

[17] , K. Menkhaus (2003) State collapse in Somalia: second thoughts. *Review of African political economy,* 30(97), 405-422.

Somali National Movement (SNM) who had struggled against the regime of Siad Barre. The grievance against Siad Barre regime was that it had marginalised and later brutalized Somaliland with bombardment and military incursions.[18]

The diplomatic initiative to restore peace and security in the rest of Somalia was passed to the 'frontline states' of Kenya, Ethiopia and Djibouti through IGAD after the expiry of the UNOSOM mandate in 1993. Ethiopia represented the western interests and concept of federalism whereas Djibouti represented the Islamic states interest and concept of reviving a central state.[19] The competing regional and international interests led to the launching of Ethiopian sponsored Sodere conference in 1996 which led to formation of Puntland and the Cairo conference in 1997 which failed to revive the 'central state initiative' in Mogadishu.[20] In South Central Somalia, Ethiopia continued to sponsor formation of parties which were in opposition to the parties sponsored by the Islamic states hence posing direct hindrance to reconciliation in Somalia.[21] In 2004, during the Mbangathi conference, Ethiopia succeeded in pushing her agenda when the Transitional Federal Charter proposed a federal structure for the Somali state and set out the transitional tasks of the Government and its institutions.[22]

The influence of the Islamic states in Somalia reduced when Ethiopian armed forces defeated the Islamic courts Union and restored the Transitional Federal Government (TFG) in Mogadishu.[23] The birth of Al Shabaab dealt a further blow to the Islamic states influence as Al Shabaab pledged alliance to Al Qaeda and therefore becoming a terrorist group.[24]

[18]M. Bryden, (1999) New hope for Somalia: the building block approach. Review of African Political Economy, 26(79), 134-140.
[19] S. Healy, (2008).Lost opportunities in the Horn of Africa: How conflicts connect and peace agreements unravel, Chatham house.
[20]K. Menkhaus, (2011). Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.
[21]K. Menkhaus, and O. Luo, (1995). Key decisions in the Somalia intervention. Georgetown University.
[22] CRD (2003). Evaluation of EC support to the IGAD Somali national reconciliation conference.
[23]Q. H. Farah, (2011). Political revolution in Somalia. Socio-Political, 1, 17.
[24]H. Hassan, and C. Barnes, (2007).A return to clan politics (or worse) in southern Somalia.

Kenya and Ethiopia through IGAD, initiated the formation of Jubbaland regional state. However, the Mogadishu based clans continued to foment their opposition to federalism through the Somali Federal Government who bitterly opposed the formation of Jubbaland.[25] Kenya who had a military component serving in Jubbaland regional state was served with adverse propaganda from the Somali Federal Government.

1.1.2.1 Formation of the Jubbaland Regional State of Somalia

Jubbaland was formed when residents from Gedo, Lower and Middle Jubba regions came together, passed Jubbaland constitution and hoisted the regional state flag on April 2013. The formation of Jubbaland was inspired by successful formation of Somaliland and Puntland. The formation of Jubbaland attracted intense opposition from the Somali Federal Government which led to the signing of the Addis Ababa agreement which became the road map for creating acceptable Jubbaland regional state of Somalia.[26] The articles in the Addis Ababa agreement were still in the process of implementation at the time of concluding writing this research paper in November 2014.

1.2 Statement of the Research Problem

The success of regional governance and conflict resolution in the autonomous regions of Puntland and Somaliland represent attempts to return parts of Somalia to peace and to institutionalize mechanisms with which to administer peace and stability. Both share geopolitical coherences and incoherence. For instance, Somaliland as a whole is geopolitically coherent, but its eastern part has strong relations with Puntland. The same applies to Mudug, which is at present split between Puntland and the rest of central-southern Somalia. Local pacification is a precondition for national reconciliation.

Commendable success has been witnessed in efforts to 'lift' Somalia out of the abyss of conflict through regional-based conflict resolution initiatives. Somaliland who proclaimed independence from the larger Somalia and Puntland who established a regional government of Somalia. However, both Somaliland and Puntland each has one

[25] A. I. Samatar, (1992). Destruction of state and society in Somalia: beyond the tribal convention. *The Journal of Modern African Studies*, 30(4), 625-641.

[26] The Agreement between the Federal Government of Somalia and Jubba delegation dated 27 August 2013, signed at Addis Ababa, Ethiopia.

dominant clan in the region which makes it easy to form a cohesive society unlike Jubbaland which has many clans. The context under which conflict resolution efforts are taking place in Jubbaland has been a subject of debate. Unlike Somaliland and Puntland who were formed in a 'failed state' context, Jubbaland was being formed when the Somali Federal Government had the ability to claim to be the legitimate representative of the sovereign state of Somalia.

Indeed, as the literature review aptly shows, scholars have been grappling with how to translate the 'building blocks' success in Puntland and Somaliland into success in other regions. Many propositions have been projected by scholars. Lamentably however, few have investigated from a holistic angle the various dynamics that such a 'building block' approach would project if it were to be practicalized in the South Central Somalia region of Jubbaland. The political actors in the terrain of Somalia had also been glossed over. In addition, the Somali conflict and its ever evolving dynamics had not been a subject of intense survey in lieu of the challenges that conflict resolution posits. Furthermore, most of the investigated attempts had been time barred as a result of the ever changing dynamics in the theatre.

To this effect therefore, this study sought to undertake a holistic study of Somalia's theatre of conflict in general and in particular the Jubbaland region of South Central Somalia. The research sought to bridge the gap in literature on Somalia while extrapolating the reasons for the relative progress in formation of Jubbaland by reviewing players, previous failed mediation efforts and overlaying them to the current situation. This was assessed with examination of gains from stability in Somalia to countries like Kenya who had suffered the blunt of the effects of the collapsed state of Somalia.

1.3 Objectives of the Study

i. To examine the success story of Jubbaland.

ii. To examine the lessons that the entire Somalia can learn from Jubbaland.

iii. To examine the benefits of a stable Somalia to Kenya.

1.4 Justification of the Study

The South Central Somalia regional state of Jubbaland had made commendable steps in the direction of forming itself into a regional state 'building block' but few conclusive studies had been conducted on it. Somaliland and Puntland had been able to form themselves into regional states with indigenous governance structures which brought stability and rule of law but save for Somaliland which had proclaimed independence from Somalia, Puntland which was still a regional state 'building block' of Somalia still lacked constitutionally entrenched relationship with the Federal Government in terms of sharing responsibilities and resources. The federal Government in Mogadishu was receiving immense international military, political and humanitarian support to stabilize Somalia especially the South and central part by way of creating regional states. In effect, the Federal Government had initiated formation of Jubbaland state; South west state, Central state and few more were in the formative stage so that the south central Somalia can be stabilized through creation of Federal regional states.

Jubbaland's case was of interest to be studied notably for its proximity to Kenya. Stability in Jubbaland translated to guaranteed national security in Kenya as the latter carries multiple maladies raging from refugee problems to security crises; consequence incarnates of disorder in Somalia. Furthermore, it was widely acknowledged that stability in Somalia will open another economic front for Kenyan goods and Services. A stable Jubbaland would therefore create a conducive environment for the voluntary repatriation of the Somali refugees back to Somalia as well as aid in the pursuit of peace in the rest of Somalia.

1.5 Scope and Limitations of the Study

This study's time frame was the period between 2011 and 2014; beginning in 2011 when the Kenyan Government became proactive in tackling the threats posed by Al Shabaab to Kenya by the use of military force and participated in setting a political pillar in Somalia; particularly in the Jubbaland regional state of Somalia. It was also in the same period when the formation of Jubbaland and signing of the Addis Ababa agreement between the

Somali Federal Government and Jubbaland administration took place setting the road map for forming the Jubbaland regional state.

The study had some limitations since most of the respondents could speak only Somali language. Some information was lost during the translation and/or the translator explained what he thought was important. The Somalis in Kismayo were very suspicious of the motive of the interview. Even talking to a member of a particular clan drew suspicions from other members of the different clans. Some respondents wanted to exchange information for money. IDP camps in Kismayo were still infested with remnants of Al Shabaab militants and were not easily accessible.

1.6 Literature Review

The lack of government in Somalia has contributed to the systemic conflict situation in the horn of Africa. Various authors had taken time to study the unique conflict dynamics in Somalia with some giving description of the underlying issues ailing Somalia, the best approach to resolving the conflict and offering suggestions on how to set up durable administrative units by forming regional states 'building blocks'.

Bryden and Menkhaus argue that the 'building block' approach idea is first to break the territory down into smaller piece that can be managed by a local authority, whereas these then later are re-unified under a decentralized, federal or even confederal structure.[27] This approach reached its high point in the late 1990s when Puntland seemed to be moving in the same direction as Somaliland and also the Rahanwyn administration in the Bay and Bakool regions looked promising. The declaration of the Transitional Federal Government (TFG) as a federal government in 2004 at least partly re-ignited this approach. The supporters of a decentralized type of governance claim that this is the only possible means of protecting one clan from a centralized state dominated by another and stronger clan. The advocates of a unitary state on the other hand believe that federalism will only serve to divide Somalia into ever smaller pieces, not only destroying all hope of

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[27]M. Bryden, (1991) New hope for Somalia: the building block approach. *Review of African Political Economy*, 26 (79), 134-140.

a re-unified state, but also leave these smaller structures at the very mercy of next-door neighbour Ethiopia. The position various Somali groups tend to take in this debate is closely dependent on how they perceive their clans' strength and options.[28]

Bryden and Menkhaus conclude that the strength of the building block approach is simply its recognition that Somali's factions are slowly, inexorably being overtaken by more responsible, stable and popular administrations. These local governments are typically the products of lengthy, broadly-based consultative or 'electoral' process; their powers are encoded in social compacts that combine elements of modern constitutions and traditional 'xeer' and their powers are circumscribed by the terms of the 'compact' and the need to maintain consensus. Perhaps even more importantly, however they derive their legitimacy primarily from the explicitly consent of the governed, neither from access to arms or external resources nor from their participation in international reconciliation fora. It is in regard to this latter point that the prospects for the success of the 'building block' approach are most clear.[29] The author predicts that creation of regional states had a chance of success but does not address the complex nature of clannism in Somalia. The authors had not done clan mapping in the different Somalia regions specifically in Puntland and Somaliland where federalism seems to work. They have not also looked at Jubbaland clan composition while evaluating possibility of support for either federalism or centralised system of governance.

Menkhaus argues that in Somali's south west along the Kenyan border, the strategic and material resources at stake in the Jubbaland make the area the scene of one of most complex and seemingly intractable conflict system in the former Somalia. Most attention has naturally concentrated on struggle between different groups for control of Kismayo port and its revenue potential. But the fertile farmlands along the banks of the Juba valley are also the objective of a multitude of claims and counterclaims based on successive waves of land acquisition by different groups from within and without the valley. The fighting in the southern valley had involved not only the inhabitants of the area, but also

[28]M. Bradbury, (2008).*Becoming Somaliland*. Oxford: James Currey.
[29] M. Bryden, (1999). New hope for Somalia: the building block approach. *Review of African Political Economy*, 26(79), 134-140.

members of the Marehan clan from northern Gedo region implying that a comprehensive agreement on power and resource sharing along the length of the valley will be required before peace is finally restored and Jubbaland can take its place alongside other building blocks in a reconstituted Somali state. However, the author does not explain how the comprehensive peace agreement can be reached. He seems to insinuate that Jubbaland will be the difficult regional state to create in Somalia federalism.[30]

Homer-Dixon posits that the Somalia conflict had defied international interventions for more than two decades. Though a lot of work had been done to find out the causes and possible solutions, peace and security was yet to be achieved in Somalia. Somaliland and Puntland, however had established relative peace and security in their territories, but South Central Somalia had continued to wallow in conflict. The cost of the conflict in terms of loss of human lives and injuries, economic destruction, lost generations and lost opportunities was incredible. An estimated one million people had died in the conflict.[31] Traditionally clans competed over water, livestock, pasture and grazing land. After independence, many people moved to cities where the resources needed for survival were different. The new competition would be about access to government jobs, public services and control of foreign aid. Even before 1967, there were reports of corruption in the government and oppression of specific clans. Administrations and clans in Somalia dispute over resources and control of land, while foreign companies fuelled the disputes as they explore natural gas in disputed areas between regions, administrations and clans.[32] Are foreign interests still contributing to instability in Somalia? Is Kenya specifically benefiting from intervening in Somalia?

Healy and Bradbury in their article "Somalia, international and local peace processes, bad situation, getting worse," posited that "international peacekeeping missions, picking winners, taking sides and trying to impose a government by force" did not work in Somalia. He further challenged the international template of the world wide

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[30] K. Menkhaus, (2010). Diplomacy in failed state. Later national mediation in Somalia, Accord issue 21, 16-19).

[31] A. A. Elmi, and A. Barise, (2006). "The Somalia Conflict: Root Causes, Obstacles and Peace Building Strategies". *African Security Review*, 15 (1), 72-99.

[32] J. Homer-Dixon, (1994). *Environmental scarcities and violent conflict: evidence from cases*. Toronto: University of Toronto.

recommended approach to any crisis could not work for Somalia and therefore a custom 'medicine' had to be sought. He recommended Somali-led peace processes, which are often slow and painstaking but which had achieved much more results than international efforts. The authors comment Somaliland for a new form of government which combines traditional and modern democratic systems but which had not been recognized internationally. The same good example had been set by Puntland which had more participatory government than the predatory central Government. The authors point out that the governments in these two regions existed due to reconciliation and agreement which were the two main recipe for peace. South Central Somalia crisis which had exacerbated had been a product of failed policy which were obstacle to traditional peacemaking practice and ultimately produced Al Shabaab. The authors recommend drawing lessons from Somali traditional peacemaking practices while adopting them. They further recommend involvement of Intergovernmental Authority on development (IGAD) and immediate neighbours like Kenya, Ethiopia and Eritrea who carry the consequences of disorder.[33]

The authors fall short of mentioning the formula used by Somaliland and Puntland in getting the reconciliation and agreements. The authors recommend IGAD and immediate neighbouring countries to Somalia to take the lead role in peace initiatives in Somalia, but do not specify the limit of involvement to avoid repeating the mistakes which were committed by the international community. Bradbury in his book "becoming Somaliland" asserts that a vital additional benefit of the building block model is that in contrast to centralized approaches it is less likely to produce violence across the whole of Somalia. A regional focus makes it easier to confine potential disagreement and violence. This is crucial as reducing the level of conflict is essential to peace and conciliation.[34] However, he falls short of prescribing how the building block model can be actualized in Somalia.

Odowa argues that "Somalia and its citizens had never had the leadership with balance of vision, competence and power to successfully promote a message of justice, unity and

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[33] S. Healy, & M. Bradbury, (2010). Somalia: International and Local Peace Processes: Bad Situation, Getting Worse. *The World Today*, 66 (1), 18-19.

[34] M. Brandbury, (2008). *Becoming Somaliland*. Oxford: James Currey.

hope". "Rather leaders chose to take advantage of opportunities to advance personal and clan interests in a manner that resulted in conflict, corruption, weak institutions and social fragmentation". The lack of vision was demonstrated when after independence of Somaliland and Somali republic from Britain and Italy respectively, the Somaliland parliament ignored a proposal by Somali republic to share the position of president and prime minister, as well as have equal numbers of members of parliament, share ministerial positions, share control of armed forces as well as agreement of where the capital city shall be and foreign consulates. Hence, Somaliland and Somali republic were unified on unequal terms. Following the unification, politicians from parts of former Somali republic took all government positions and marginalised Somaliland. If the unification was based on equal terms, would there be the collapse of Somalia state? How would lessons drawn from the unification of Somaliland and Somali republic guide future formation of regional states like Jubbaland and their relationship with the federal state? The assassination of president Abdirashid Ali Shermarke provided a vacuum of leadership as Somali parliament delayed in declaring the prime minister as the leader, as they engaged in 'behind the scenes' gambling for the highest bidder. This has characterized scandalous behaviour of a Somali politician to sell his/her vote regardless of the interests of the public.[35] Siad Barre overthrew the government with a promise to promote nationalism instead of clanism, but on the contrary his leadership was dominated by Darod clan from where he originated. This caused cracks to his governance leading to rebellion and later collapse of his government. The author highlights the leadership weakness but does not highlight why the leaders always opted to have clans by their side? Is it because the leaders cannot win national support or is it that government official from the other clans are not loyal enough and always find an opportunity to undercut him?

Ahmed and Green took note of the hasty union of the British Somaliland and Italian Somali after independence and indicators for secession when the Somalilanders voted 'No' in the unification referendum.[36] The Darod and Hawiye clans systematically marginalised Northern Somalia (Somaliland) as well as inter-riverine clans in southern

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[35] A. M. Odowa, (2013). What can current leaders in Somalia learn from their past history. *The ITPCM International Commentary*, 9 (34), 19-23.

[36] I. I. Ahmed, & R. H. Green, (1999). The heritage of war and state collapse in Somalia and Somaliland: local-level effects, external interventions and reconstruction.*Third World Quarterly*, 20 (1), 113-127.

Somalia while inheriting the latent corruption from Italian administration in the public sector. The authors have identified other historical causes of the Somali conflict as: military coup, socialist policies which alienated the wealthy nomads and farmers,1974-75 famine in the north which resulted in over 20 000 civilians deaths and forcing 10-15% of the pastoralist community into relief camps and death of 5 million animals. In response to the drought the government forcefully transferred 100,000 nomads from relief camps to arable lands in the southern Somalia and engaged them in farming. The Ogaden war and later formation of armed opposition groups was the immediate cause of the Somali conflict.[37] The authors have fallen short of explaining the fate of the relocated nomads after the collapse of Siad Barre government. Were they displaced from the land they were allocated by the government or they conquered more territory from the indigenous clans? The Darod and Hawiye were the main clans marginalising others during Siad Barre regime, what is there role in the current conflict in South and Central Somalia; specifically Jubbaland region of Somalia?

Boas proposed a 'building blocks' approach to state building as the most promising formula for remaking a viable Somali state. In essence such a formula contains a power-sharing arrangement between a lean government (concerned with certain specific core tasks) and strong autonomous regional governments (which perform most ordinary governmental tasks, including provision of local security).[38] Boas argues that the path to a building block approach is however also challenging. Decades of war, migration and resettlement has made the ethnic topography of south central Somali resemble the patchwork of Bosnia-Herzegovina more than the ethno-state of Puntland. The patterns of clan settlements have changed, mostly in the urban and arable areas. These areas have undergone substantial changes due to heavy infusions of non-resident clans supported by their militias. The risk of having apartheid-like states, in which citizens who are not part of the ethnic hegemony become second-class citizens, is therefore relatively high. Such "clanustans" could trigger more conflict and even "clan cleansing". Such activity has

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[37] Ibid.
[38] M. Boas, (2010).Returning to realities: a building-block approach to state and state-craft in eastern Congo and Somalia.*Conflict, Security and Development*, 10(4), 443-464.

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already occurred in the Gedo and Bay regions.[39] In the assessment of Boas, this conflict will most affect Jubbaland which has attracted most clans from central regions of Somalia. However, the author has not recommended the best conflict resettlement formula to avert future clan cleansing.

Hansen argues that even if the 'building blocks approach' does reduce the stakes and thereby the conflict level, it cannot be ignored that local polities are likely to become attractive power centres, since their power holders are guaranteed political influence. Thus there is at least temporary risk that in the immediate aftermath of setting up such structures that warlord and faction leaders take advantage of the situation and attempt to monopolise power through the use of violence.[40] He however does not address how to control the possibility of warlords and factions taking political dominance.

Jubbaland's viability as a 'building block' to achieving sustainable peace to the protracted Somali conflict has been articulated by a number of scholars. According to the International Crisis Group, creating stability in southern Somalia and beyond (the whole of Somalia) requires not only defeating Al Shabaab. According to the conflict and peace think tank, Kenya and her partners must use Jubbaland as a building block to make peace at the local level by developing a political plan with attractive incentives for local clans to work together and share the region's wealth and foreign aid. Otherwise, the group argues, there is little chance for long-term peace in Jubbaland.[41]

The focus on the Jubbaland as one of the building blocks, the International Crisis Group opines, is based on the fact that the Juba Valley is the epicentre of extremist groups and the fact that the project is not inconsistent with the feelings of many inhabitants of Jubba, but it could lead to unintended consequences. The Group is of the view that diplomatic

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[39] Ibid.

[40] S. J. Hansen, (2003). Warlords and peace strategies the case of Somalia.*Journal of Conflict Studies*, 23(3), 57-78.

[41] International Crisis Group (2012). *The Kenyan Military Intervention in Somalia*. Brussels: International Crisis Group. Retrieved from http://www.crisisgroup.org/en/publication-type/media-releases/2012/africa/kenya-the-kenyan-military-intervention-in-somalia.aspx.

and political efforts are necessary if stability in Southern Somalia, as part of the country's building blocks is to be attained.

An inclusive local administration is crucial if peace is to come to the region. Furthermore Somalis' fears of domination by the majority clan, the Ogaden, must be addressed by collaborating with regional and wider international partners to promote local mediation and governance, and in particular ensure fair control over revenues collected from the port of Kismayu. The political strategy must be grounded in collaboration with local clans and social groups to avoid destabilizing the region.[42]

Even though Somalia performs dismally in all indices, the level of conflict differs according to regions with the northern regions of Somaliland and Puntland enjoying relative peace and calm. The rest of Somalia has been bedevilled by a protracted conflict that has been rolling on for over two decades. However, the southern part of Somalia fares much worse. For more than two decades, southern and central Somalia have been plagued by more severe successive bouts of instability, violence, and armed conflict. Here, conflicts revolve around clan identities, which are exploited for political purposes.[43]

The Crises group's findings however have a number of shortcomings. First, they fail to map a holistic picture of political actors as well as the spoilers in Jubbaland. In as much as the report identifies the Al Shabaab, the federal government in Mogadishu and the Jubbaland administration, the report fails to identify the other actors whose tendency to be glossed over and excluded from conflict resolutions has been at the heart of the protracted nature of the Somalia conflict.

In their 2013 report, the Somalia Conflict Early Warning Early Response Unit argue that opportunities exist for a multipronged conflict transformation and peacebuilding

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[42] Ibid.

[43] Somalia Conflict Early Warning Early Response Unit (2013). *From The Bottom Up: Southern Regions - Perspectives Through Conflict Analysis And Key Political Actors' Mapping Of Gedo, Middle Juba, Lower Juba, And Lower Shabelle.* Mogadishu: Somalia Conflict Early Warning Early Response Unit.

mechanism for Jubbaland with a sustained focus on local reconciliation, enhancing local capacity for peace projects, provision of social services, and support for livelihood activities. Peace and conflict reconciliation activities, the Group posits, should be implemented in an integrated manner with the aim being to help stakeholders with different perspectives to engage in structured and coherent debate about the various factors that affect livelihoods, their relative importance, and the ways in which they interact.[44]

Indeed, the report by the Somalia Conflict Early Warning Early Response Unit ably shows how a conflict resolution mechanism can work out to include all stakeholders to the Somalia conflict so as to realize peace in the Horn of Africa's nation that has been bedevilled with conflict. However, the report does not pinpoint spoilers to the Somalia conflict which largely shows that the protracted nature of the Somalia conflict and the dynamics therein have been glossed over.

Ken Menkhaus argues that local communities along the Somali border i.e., southern and central part of Somalia already have extensive, routinized patterns of cooperation. However, while there are many flashpoints for conflict in the area – Somali Islamic extremism, conflicts over the control of trade routes, water and pasture, political representation - interests in stability dominate the region. Menkhaus argues that the Kenyan military incursion in southern Somalia is critical in clearing the area of extremists out there to breach peace and perpetuate instability in Somalia. Menkhaus advocates for the need for Kenya to create conditions in which local communities in southern and central Somalia can be able to reassert their influence over the region and hence moderate the actions of whatever residual Al Shabaab units remain in the border areas. Menkhaus sees the end result being a string of cross-border village, town, and district arrangements mainly managed by Somalis.[45]

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[44] Ibid.
[45] Ken Menkhaus (2012). *After the Kenyan Intervention in Somalia.* Washington, D.C: Center for American Progress.

Menkhaus is however skeptical on the viability of the Jubbaland building block initiative arguing that even though the problem of a post-intervention Jubbaland administration is a matter of reconciling Kenya's multiple Somali partners and actors with stakes in southern and central Somalia, it is not a simple task, and in reality is only one part of a broader power-sharing challenge. His logic is based on the premise that not only do these groups not get along, but a critical additional Somali ally—the leadership in Mogadishu has been hostile towards the entire enterprise of forming a Jubbaland state. This is because the Somali leadership in Mogadishu generally sees the declaration of autonomous regional entities such as Jubbaland as threats rather than opportunities for peace.

Menkhaus postulates that unless put under sustained external pressure, the Somali leadership in Mogadishu could be tempted to unravel any local deal to share power in Jubbaland. This implies that any attempt to establish a Jubbaland state could face resistance from both Shabaab and the Somali leadership in Mogadishu. Realistically, there are very few prospects of a functional Jubbaland regional government in the short term, and few political hopefuls in the region really aspire to make it happen. Their attention is either on national political positions in Mogadishu or on the control of the port city of Kismayu. Menkhaus is of the view that there is no need to devote time and energy to broker a deal over a regional administration that is likely only to produce conflict and divisions that Al Shabaab and other extremist groups will exploit.

Instead, he argues, Jubbaland should be approached as strictly a vehicle for constitutive representation in the National Constitutive Assembly and post-transitional parliament just as it was envisioned in the Garowe Conference of December 2011. He argues that, Jubbaland should be seen for the near term as a representative rather than an operational entity focused solely on ensuring that local communities in the Jubba regions have adequate representation in transitional and post-transition national assemblies. When conditions are more conducive, it can gradually take on actual administrative roles.[46]

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[46] Ibid.

Menkhaus, as opposed to other scholars ably pinpoints the increased fatigue of the Jubbaland citizenry and also ably shows how spoilers may make the dream of peace in Jubbaland as a building block to Somalia's conflict resolution initiative may be a mirage due to the interplay of dynamics, spoilers and actors. However, Menkhaus largely contradicts his argument in that the Jubbaland citizenry are no longer contented with the status quo and hence a new order is imperative. This implies that serious conflict resolution efforts can be undertaken which will exploit this state of the Jubbaland citizenry and usher in a new era of peace.

1.7 Theoretical Framework

This study explored the use of Jean-Jacques Rousseau's social contract theory (bottom up) and Humes' force theory (top down) in relation to the various approaches which had been used in order to rule and/or stabilize Somalia. Through from the dictatorial rule of Siad Barre, rule by warlords and extremist Islamist groups like Al Shabaab up to the current efforts of stabilisation, some kind of theory or combination of theories had been in application.

Rousseau's social contract theory (bottom up) viewed the political authority to be derived from mutual consent from the members of the society to be ruled and agree to give up some of their freedoms and rights for the good order and maintenance of law and order. The theory was hinged upon a general will of the people i.e., the social contract between the citizens. Through the Social Contract, a new form of social organisation - the state was formed to assure and guarantee rights, liberties freedom and equality. The essence of the general will was that the state and the laws are the product of the general will of the people. The state and the laws were made by it and if the government and laws do not conform to general will, they would be discarded. While the individual parts with his natural rights, in return he got civil liberties as well as political goods such as security.[47]

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[47] Elahi, Manzoor. (2014) *What is Social Contract Theory.* Academia.edu. Retrieved from http://www.academia.edu/3138759/Social_Contract_Theory_by_Hobbes_Locke_and_Rousseau.

The social contract theory was demonstrated during the formation of Somaliland. The clan elders together with the military wing of Somali National Movement (SNM) agreed to form Somaliland state. The Somaliland state had a hybrid system which has a council of elders as part of the governance structure.[48] Noting that clannism was a major factor in Somali politics, the consideration to have the council of elders in the government structure creates the grassroots acceptability of the Government. The use of council elders to endorse the members of parliament was in use in Somaliland as well as Somali Federal Government set ups. However, it was worth noting that once selected by the clan elder you represent the interests of the clan in the Government. The 'one man one vote' system was not yet in application in Somalia.

The force theory according to Humes proposes that the use of naked force was a source of state's sovereign powers and not consent. The state depended on external support or use of armed forces to secure its survival. In the event the external support was removed or reduced, the state risked being overthrown[49].

Instances of usurpation and conquest than consent had been witnessed in Somalia. The military coup by Siad Barre and his rule of repression was a demonstration of the use of force theory. The Siad Barre regime was overthrown since it relied on Military force which was weakened after the Ogaden War.[50] The armed clan militia overthrew the Siad Barre regime and consequently established rule by conquering and/or displacing other weaker clans while profiteering from the spoils.[51] As a result masses of populations were displaced into the refugee camps as well as IDP camps in Somalia. The Islamic courts Union conquered the warlords and forcefully established their rule. Later on, Al Shabaab

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[48] M. Wells, (2009). The emergence of a Somalia state: building peace from civil war in Somaliland. *African Affairs*, 108 (432), 371-389.
[49] M. H. Brons, (2001). *Society, Security, Sovereignty, and the State in Somalia.* Utrecht, International Books.
[50] Ibid.
[51]CRD Somalia (2005).*Traditional governance in Somalia, South Central Somalia: Brief report for the world bank.*

had been using coercion to enforce their rule on the Somalis. The Al Shabaab were forcing some form of extreme religious ideology and failure to abide by it led to death.[52]

The Federalism being instituted in Somalia by creating regional states was another example of consent theory (bottom up approach) where stability would emanate from stable governance from particular regions and spill over to the rest of the Somalia. The regions were being created on basis of consent on which administrative units joined to form a regional state, the Somalis living in those regions then would meet for state forming conferences where they would chart the way forward for the governance and power sharing structures. The Somali Federal Government would act as a referee for the process.

1.8 Hypotheses of the Study

This study has the following hypothesis;

i.   The creation of regional states 'building blocks' will create an environment for stabilizing the whole Somalia.

ii.   Learning from the Jubbaland example of identifying the Key players in Somalia peace initiatives and subsequently giving them an opportunity to participate in reconciliation can bring durable political solution to the Somalia conflict.

iii.   The political stability of Jubbaland will have a positive impact on Kenyan national interests.

1.9 Methodology

This research study sought to investigate the creation of regional states 'building blocks' in Somalia with special emphasis on Jubbaland state of Somalia. The study used both secondary and primary sources. Secondary data was derived from electronic and print books, scholarly electronic and print journals, magazines, bulletins and internet sources. The primary data was collected primarily using both quantitative and qualitative data collection methodologies. Quantitative data was collected using standard questionnaires

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[52]K. Sabala, (2011). Regional and extra-regional inputs in promoting security in Somalia. Pretoria: Institute for Security Studies.

while quantitative data was collected using key informant indicators and focus group discussions with opinion leaders in Somalia. Interview guide was used as a method of data collection. Unstructured and semi-structured questionnaires were used during the interviews as they provided the interviewees with an opportunity to freely express their real experiences and opinions of state-building initiative.

Furthermore, the researcher attended the Somali Reconciliation Conference organised by the Somali Federal Government and Interim Jubbaland administration in Kismayu, Somalia from 16th September 2014 up to 5th October 2014. During the reconciliation conference deliberations, the researcher collected data. The researcher interviewed 15 opinion leaders from Federal Government of Somalia, Jubbaland, Puntland and Somaliland as well as attending 11 inter-clan reconciliation deliberations.

The sample of the respondents was collected using a representative sampling technique where five people were selected from each of the three regions. The standing of the individuals in the Somali society was used to determine their inclusion in the sample of respondents. To prevent gender biasness, the research employed both male and female respondents in order to get inclusive data.

The data was collected through the interview guides formulated in questions form or questionnaire formulation as well as listening to unguided inter-clan discussions. The interview session were estimated to last for a maximum duration of one hour for both individual and up to two hours for focus group (inter-clan) discussions. The interview guide provided both open-ended questions and close-ended questions to ensure the research was able to capture more information that might have been left out. The respondents often expressed mistrust as they feared they could be quoted in the media and later be victimised.

The researcher used a voice recorder during one on one interviews and video recording to cover inter-clan reconciliation deliberations as they were mostly conducted in Somali language. The note book was sometimes used for the respondents who were not

comfortable giving a voice recorded interview. The researcher hired the services of research assistants in translation of Somali coded interview into English. The hired research assistants were locals in Somalia who were familiar with area, the people, culture and religion.

The data collected was analysed using content analysis as it assisted the researcher in analysing the qualitative data. The researcher also employed inductive analysis where the patterns, themes and categories of analysis that came from the data were interpreted. Further verification of information was collaborated with other sources to ascertain validity of the research findings.

CHAPTER TWO
HISTORICAL BACKGROUND OF SOMALIA

2.1 Introduction

This chapter seeks to undertake a holistic analysis of Somalia's socio-political and economic history in general with an emphasis on the background of the protracted Somali conflict. The historical background of Somalia focuses on the making as well as the incubation of the Somali conflict after independence till the early 1990s when the conflict erupted. In addition, the chapter seeks to delve deeper into the stateless Somalia and how attempts to resolve the protracted conflict at the local, regional and the international level have been instituted. The chapter also looks at the impact of the Somali conflict, i.e., the refugee crisis as well as human rights violations.

2.2 Somalia Conflict in the Making after Independence

'Somalia', a number-seven-shaped country on the north-eastern horn of the African continent, has long been a contested concept, even amongst Somalis. Somalia became independent in 1960 with a civilian administration under the leadership of first and the second presidents, Adan Abdulle Osman and Abdirashid Ali Shama'rmake respectively. At independence in 1960 when British Somaliland and Italian Somaliland united to form the Republic of Somalia, some Somalis agitated for a much larger version of a country and reclaim 'lost territory' to form the 'Greater Somalia' which would include Somali brethren in what is today Djibouti, eastern Ethiopia and northern Kenya.[53]

A bloodless coup in 1969 led by Major-General Mohamed Siad Barre overthrew the civilian government that ruled Somalia since independence. Siad Barre went on to take power, and established an oppressive military dictatorship. In 1970, under the influence of the Soviet Union, Siad Barre transformed his military dictatorship into a socialist one. Full-scale central planning pursued under the government's policy of "scientific socialism" brutalized the Somali people. The government slaughtered civilians who posed threats to the government's plans or political power, used coercive intimidation to

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[53] B. J. Hesse, (2010). Introduction: The myth of 'Somalia.' *Journal of Contemporary African Studies*, 28(3), 247-259.

create artificial support for its activities, and forcibly relocated others to further the political or economic ends of Siad Barre and his cronies. "Both the urban population and nomads living in the countryside were subjected to summary killings, arbitrary arrest, detention in squalid conditions, torture, rape, crippling constraints on freedom of movement and expression and a pattern of psychological intimidation" (Africa Watch Committee, 1990).[54]

However, it was the reign of General Mohammed Siad Barre that planted the seeds of the current destabilization in Somalia. Siad Barre's rule was characterized by discrimination, violence and dictatorship. The Somali Government had adopted a policy to restore lost territory from the neighbouring countries. This led to 1969 and 1977/78 war with Ethiopia in which Somalia lost all the two wars. The war with Ethiopia had weakened the Somali economy and strengthened clan based factionalism.[55] The Siad Barre felt threatened and cracked down on dissidents which led to formation of clan armed opposition groups like Somali National Movement (SNM) in the North West part of Somalia which was dominated by the Isaaq clan, United Somali Congress (USC) led by Hawiye clan in the central and the capital city, Mogadishu and Somali Patriotic Movement (SPM) led by the Ogaden clan. The three clan based opposition groups joined effort and overthrew Siad Barre from power while forcing him to exile.[56]

The Somali National Movement (SNM) seized the opportunity to form the current self declared independent state of Somaliland. Troops loyal to the deposed dictator, Siad Barre continued to fight with United Somali Congress (USC) militia which was led by Gen Mohamed Farah Aideed. The United Somali Congress (USC) further splintered into two factions led by Ali Mahadi and Farah Aideed worsening the humanitarian and security situation[57]. The clan militias had acquired a large number of small arms and

[54]Africa Watch Committee (1990).*Somalia: a government at war with its own people.* New York: Africa watch committee.

[55] M. H. Brons, (2001). *Society, Security, Sovereignty and the State in Somalia.* Utrecht, International Books.

[56] Lewis, Loan, *Making History in Somalia: Humanitarian intervention in stateless society*, discussion paper No. 6,London; centre for the study of Global Governance,1993.

[57] R. G. Puman, "The UN operation in Somalia in Ramesh Thakur and Caryle Thayer, (eds) *UN Peacekeeping in the 1990* Boulder CO: Westview,press,1995.

heavy artillery enabling them to replace the national defence and police forces. Atrocities committed included human rights abuse, indiscriminate killing of civilians, widespread rape and violence against women and children, arbitrary detention, forced recruitment and use of child soldiers among others.[58]

2.3 Somalia Statehood in the Context of Conflict

There are three types of states; weak states, collapsed states and failed states. According to Rotberg weak states harbour inter-communal tensions. Furthermore, crime rates within the urban areas tend to be high and the ability of the state to provide adequate measures of other political goods is either diminished or diminishing. In addition, physical infrastructural networks are usually deteriorated and economic indicators have fallen or are falling coupled with levels of venal corruption are embarrassingly high and escalating.[59]

Conversely, the Global Policy Forum defines 'failed states' as those states which can no longer perform basic functions such as education, security, or governance, usually due to fractious violence or extreme poverty. This creates a vacuum of power. Within this power vacuum, people fall victim to competing factions i.e., warlordism and crime.[60]

On the other hand, collapsed states are states that have lost their capacity to perform even the most basic functions.[61] They are also those states where structures, authority, law, political order and legitimacy have fallen apart resulting in a state disintegration usually as a by-product of ethnic nationalism. Under these states, order and power usually reverts to local arrangements which usually vie for the same with central

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[58] S. Chesterman, (2001). *Just War or Just Peace?* Oxford, Oxford University Press.

[59] R. Rotberg, (2004). *Failed States Collapsed States, Weak States: Causes And Indicators.* In R. Rotberg, *When States Fail: Causes and Consequences* (pp. 1-25). Princeton: Princeton University Press; pp. 4.

[60] Global Policy Forum.(2014). *Failed States.* Global Policy Forum retrieved on 20th august 2014 from https://www.globalpolicy.org/nations-a-states/failed-states.html.

[61] Ottaway, Marina. (November 2002) Rebuilding State Institutions in Collapsed States. *Development and Change Volume 33, Issue 5*, p., 1001–1023.

attempts at reconstituting the state.[62] In such a state, public goods are obtained through private or ad hoc means and a vacuum of authority sums the state. This narrative of the collapsed state fits the description of the current Somalia.

2.4 Early Interventions in the Stateless Somalia

The collapse of the Somali state did not go without international and regional attempts to salvage the country and avert a humanitarian disaster. The United Nations and the regional body, GAD had played a significant role. The United Nations with major contribution from the United States had played a critical role before the responsibility was passed to the regional body IGAD.

2.4.1 United Nations Intervention

As a response to the intractable stalemate between factions competing for control of the capital Mogadishu in the post-state collapse vacuum, the United Nations Operations in Somalia (UNOSOM) missions of the early 1990s represent one of the international community's largest post-Cold War interventions.[63] "Most disastrously," however, according to Compagnon[64], the UNOSOM missions "fostered the conditions for lasting conflict by consolidating the clan-based factions." Others argue that the UN missions antagonized warring factions including that of Muhammad Farah Aideed and his Habr Gedir clan (for example Adam 1995; Adam 2008). In January 1992, the UN Security Council approved an embargo (resolution 733) on the delivery of weapons to Somalia as the first measure to improve the security atmosphere in the country. Subsequent resolutions were designed to ease tensions between two primary groups, the United Somali Congress-Aideed (USC-A) led by General Mohamed Farah Aideed and United Somali Congress-Mahdi (USC-M) led by Ali Mahdi. In December of 1992 the UN passed resolution 794, altering the nature of the mission from a peacekeeping to peace-enforcement operation. Critical to future developments, the Unified Task Force

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[62] I. W. Zartman, (1995) *Collapsed States: The Disintegration and Restoration of Legitimate Authority.* Boulder: Lynne Rienner Publishers; pp. 1.

[63] M. Bouldin, (2001) Keeper of the peace: Canada and security transition operations. *Defense and Security Analysis,* 19(3), 265-276.

[64] D. Compagnon, (1998). *Somali armed movements. African Guerrilla.* Oxford: James Currey.

(UNITAF) resolution authorized the use of force in the face of provocation for the first time.[65]

UNITAF forces established control over strategic zones in Mogadishu, including the airport and aid distribution routes, the mission failed to curtail violence amongst factions due to the piecemeal disarmament program ultimately implemented. Without the capacity to capture the most dangerous weaponry, it was mostly small arms that landed in United Nations' stores. This resulted in increased vulnerability amongst small-scale traders, herders and businessmen who were left without means of personal protection against comparatively well-armed clan militia ambushes.[66] Gros has gone as far as labelling this disarmament program the "Achilles' heel of the [UN] venture."[67] United Nations troops became further alienated from the general Somali population as they withdrew into fortified areas throughout the remainder of 1993. Street patrols, which had provided a degree of security for the Somali civilian population, largely ceased in favour of air strikes on suspected Aideed strongholds.[68] These strikes caused many civilian deaths and consequently fostered increasing animosity toward international forces. As a result, the international community effectively distanced itself from Somalia. Fighting between the USC-A and USC-M ceased temporarily in 1992 with the tenuous solidification of control under Ali Mahdi Muhammad. However, the two camps intermittently fought until successful agreements eased tensions in 1997 and 1998. Many leaders of such armed factions - commonly called "warlords" because of their tenuous control of certain areas of territory - have fought throughout Mogadishu since the end of UN operations in 1995.[69]

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[65]J. Bouldin, (2001). *Peace enforcement: the United Nations' experience in Congo*, Somalia and Bosnia Westpart, CT: Praeger Publishers.

[66]M. H. Brons, (2001). *Society, security, sovereignty and the state in Somalia: from statelessness to stateliness*. Utrecht: International Books.

[67] J. G. Gros, (1996). Towards taxonomy of failed states in the new world order: decaying Somalia, Liberia, Rwanda and Haiti. *Third World Quarterly*, 17(3(, 455-472.

[68]M. H. Brons, (2001). *Society, security, sovereignty and the state in Somalia: from statelessness to stateliness*. Utrecht: International Books.

[69]T. Thomas, S. Kiser, and W. Casebeer, (2005). *Warlords rising: confronting violent non-state actors*. Lanham, MD: Lexington Books.

The Somalia operation also highlights both the need for and the risk of co-operative coexistence between the United States and the United Nations. After the battle in Mogadishu in October 1993 which left 18 US soldiers dead, the UN Security Council established a commission of inquiry comprising Matthew Nglube, a former Chief Justice of Zambia, and Generals Emmanuel Erskine of Ghana and Gustav Hagglund of Finland, former commanders of peacekeeping forces. They concluded that the US and UN had to share blame with General Mohamed Farah Aidid for the descent of the humanitarian mission in Somalia into a vicious confrontation in the streets of the capital. The warlord was held responsible for launching the attack in June 1993 which killed 24 Pakistani soldiers. The US was criticised for operating under a separate military command, and for launching raids inconsistent with the basic tenets of UN peacekeeping. The report questioned the strategy of aggressive peacekeeping that had been adopted by the UN, and recommended financial reparations for Somali civilian victims of the fighting.[70]

The central regions were hit by severe droughts, the effects of which were aggravated by the civil war preventing agricultural activity in the normally productive areas of southern Somalia. The tragedy was internationalised with the outflow of some 800,000 refugees into neighbouring countries. The warring factions agreed to a cease-fire on 3 March 1992. The UN Operation in Somalia (known as UNOSOM) was established by Security Council Resolution 751 on 24 April 1992 to monitor the ceasefire in Mogadishu, to provide security for UN personnel and supplies, and to escort humanitarian supplies to distribution centres. On 22 July 1992, the Secretary-General, Boutros Boutros-Ghali, reported that while the cease-fire had held reasonably well, Mogadishu was wracked by banditry and looting. In Resolution 767 of 24 July 1992, the Security Council approved the establishment of four operational zones in Somalia with the hope that UN involvement would adapt to the complexity of the situation in the country and enhance the effectiveness of humanitarian operations.[71]

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[70] E. W. Lefever, (1993). Reining in the UN: Mistaking the instrument for the actor. *Foreign Affairs*, 72(2), 17-20.

[71] R. Thakur, (1994). From peacekeeping to peace enforcement: the UN operation in Somalia. *The Journal of Modern African Studies*, 32(3), 387-410.

International peacekeeping has proved to be remarkably resilient. If a military solution proves illusory but peaceful settlement remains elusive, then peacekeeping forces are needed, wanted, and a useful instrument of conflict management. But they risk being mistaken as an adequate substitute for conflict resolution. In the past, the United Nations had emphasised abortion to the neglect of prophylaxis. It needs to sharpen its skills at identifying potential conflicts before they break into war so that parties to disputes can be brought together during the period of infancy. The UN also needs to become involved in post conflict peace-building by identifying, supporting, and deepening the structures which will consolidate peace and enhance people's sense of confidence and well-being.[72]

The Somalia operation has reinforced the need for separating the US national security decision-making calculus from the UN peacekeeping one. There seems to be a divergence of opinion on the nature of the understanding on the basis of which both sides (the US and the UN) got into the operation. The Americans believe that they went to Somalia to achieve precise and limited objectives - clearing the relief channels in order to avert mass starvation - that would enable them to leave fairly quickly. But two sets of mistakes were made. On the one hand, Boutros-Ghali, the UN Secretary-General, allegedly 'moved the goalposts', demanding that the US troops should disarm the Somali gangs, fan out from Mogadishu into the countryside, and stay for an unlimited period. With much less military capability than the Americans, the UN undertook the far more ambitious task of nation building, a formidably complex challenge even under non-combat conditions. On the other hand Bill Clinton, the new US President, endorsed this particular goal as part of his shift to 'assertive multilateralism'. The error was compounded with the corollary goal of pacifying General Aideed, a combat mission that could be attempted only at great risk.[73]

Those who were involved in setting up the operation from the UN end insist that their initial lack of enthusiasm was overcome because of the prospect of having US forces under UN command. US combat units had never before formed part of a blue helmet

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[72]R. Thakur, (1994). From peacekeeping to peace enforcement: the UN operation in Somalia. *The Journal of Modern African Studies*, 32(3), 387-410.
[73]J. R. Gerlach, (1993). *A UN army for the new world order.* Philadelphia: Orbis.

force. Their experience in Somalia may ensure that they do not again serve under a non-American UN commander. Relations were strained even with the Secretary-General personally. By 1994, US officials were expressing rising irritation with Boutros-Ghali, describing him as egocentric, lacking in political and management skills, effective neither as a leader nor as a bureaucrat. For their part, UN officials were irritated that when 18 US army rangers were killed in Somalia in October 1993, Clinton, without consulting Boutros-Ghali, announced that American troops would be withdrawn by 31 March 1994.[74]

The Clinton administration entered office determined to concentrate on domestic policy, but it had also campaigned for a foreign policy that became known as "assertive multilateralism." Nonetheless, in its early days, the new administration continued to press the United Nations for a rapid hand-over to UNOSOM II, although some advocated that a substantial U.S. logistical presence remain. They were still skeptical that the United Nations was up to the job? The Security Council adopted Resolution 814, which called on the secretary-general's special representative "to assume responsibility for the consolidation, expansion, and maintenance of a secure environment throughout Somalia." The resolution also requested that the secretary-general seek financing for "the rehabilitation of the political institutions and economy of Somalia." The new U.S. Permanent Representative to the United Nations, Madeleine K. Albright, said unequivocally, "With this resolution, we will embark on an unprecedented enterprise aimed at nothing less than the restoration of an entire country as a proud, functioning and viable member of the community of nations." Not only did the Clinton administration endorse "nation-building" in Resolution 814, it contemplated that 8,000 American logistical troops would remain, along with a 1,000-man quick-reaction force, a major change from the original idea of essentially complete withdrawal. The initial cost now was estimated at $800 million, of which the United States would be assessed just under a third. There was little or no consultation with Congress about this major change in direction, and very little press reporting. The actual hand-over to UNOSOM II dragged on until May 4, 1995. Only weeks afterward, violence broke out again in Mogadishu and

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[74] J. R. Bolton, (1994). Wrong turning in Somalia. *Foreign Affairs*, 73(1), 56-66.

other parts of Somalia. On June 5 1995, forces believed to be under the command of General Aideed attacked UNOSOM II, killing at least 23 Pakistani peacekeepers and wounding scores more. Acting swiftly, the Security Council adopted Resolution 837 on June 6, 1995, authorizing the arrest of Aideed and others responsible for the attack. U.S. combat forces returned to strike positions believed to be held by Aideed followers. There was again little or no consultation with Congress.[75]

Despite its many failings, the UN intervention initially had the trust of the warring parties and the acceptance of most Somalis. The new United Nations Secretary-General Boutros Boutros Ghali, a former Egyptian minister of state, played a key role in bringing world attention to the crisis. The intervention did assist in saving the lives of many Somalis from hunger and starvation. In addition, it encouraged the creation of local non-governmental organizations, employed many jobless people, improved security in certain areas, reopened Mogadishu airport and seaport, and supported education and health services. However, the uncompromising positions of the Somali warlords disrupted any peace efforts by the UN and other counties. The UN's efforts were also complicated by competing goals within the troop-contributing countries and some regional countries, especially Ethiopia and Egypt, which sought to exert their influence on the crisis.[76]

In the aftermath of the UNOSOM withdrawal from Somalia in March 1995, the Secretary-General established the United Nations Political Office for Somalia (UNPOS) to help him advance the cause of peace and reconciliation through contacts with Somali leaders, civic organizations and the States and organizations concerned. From a base in Nairobi, the UN continued to engage indirectly, monitoring the situation and providing periodic reports for the Secretary General. For the next five years, however, the diplomatic initiative was left to regional countries and the European Union.[77]

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[75]J. R. Bolton, (1994). Wrong turning in Somalia. Foreign Affairs, 73(1), 56-66.

[76]J. P. Lederach, and J. Stock, (1993).The intervention in Somalia: what should have happened. MERIP, 181, 38-42.

[77]Human Right Watch (2007). "Shell-shocked": civilians under siege in Mogadishu, Volume 19 (2) August.

2.4.2 IGAD Intervention

The Somali National Reconciliation Conference hosted by Kenya from October 2002 to late 2004 represented the first sustained effort by regional states (under the aegis of the regional body IGAD) to broker peace in Somalia, by reconciling the Transitional National Government (TNG) and the opposition Somali Restoration and Reconciliation Council (SRRC). Unlike many of the past conference, it was designed to address real conflict issues rather than focus exclusively on power-sharing deals. The talks began in the town of Eldoret before being relocated in February 2003 to Mbagathi, outside Kenya's capital Nairobi - thus are commonly known as "the Mbagathi process". The process culminated in the endorsement of a Transitional Federal Charter and the establishment of the Transitional Federal Government with a five year mandate to further national reconciliation and oversee the implementation of critical transitional tasks, including the establishment of security and drafting of a constitution.[78]

In 2002, with the Transitional National Government considered increasingly irrelevant, foreign governments began to engage in renewed diplomatic efforts in Somalia. IGAD inaugurated a process with the intention of bringing the Djibouti-backed TNG and its Ethiopian-backed opponents in the SRRC into a comprehensive political settlement. The IGAD led Somalia National Reconciliation Conference (SNRC), held in the Kenyan towns of Eldoret and Mbagathi and mediated by Kenyan diplomats, was supported by the UN and financed by the European Union and other Western donors. It proved to be the longest Somalia peace conference, lasting a full two years, during which the mandate of the TNG expired. External finances sustained the process until a Transitional Federal Charter was adopted and a Transitional Federal Parliament was selected, which duly chose Abdullahi Yusuf as the president in October 2004 for a five year transitional period.[79]

[78]S. Healy, (2008). *Lost opportunities in the Horn of Africa: how conflicts connect and peace agreements unravel.* Chatham House.

[79]A. Y. Farah, (2009). *Assessing reconciliation initiatives by the transitional national government after the 'Carta (Arta) peace process.* Hargeysa: University of Hargeysa.

The Kenyan peace process involved a mixture of political and military leaders, traditional elders, and civil society leaders but was dominated by faction leaders. It was designed in three phases to achieve a declaration on a cessation of hostilities, agreement on substantive conflict issues and a charter for government. The talks stalled and were interrupted by violations of the weakly drafted 'ceasefire' several times, until a breakthrough occurred in August 2004 when selection of parliamentarians was completed. The process was heavily criticized for corruption and the influence wielded by Ethiopia. In direct opposition to the Arta process, the Transitional Federal Charter proposed a federal structure for the state and set out the transitional tasks of the government and its institutions.[80]

From its inauguration in December 2004, the Transitional Federal Government (TFG) won immediate international recognition and substantial financial support was also anticipated with the inauguration of a World Bank and UNDP Joint Needs Assessment of the country's rehabilitation and development requirements. The TFG relied heavily on sustained international financial and military support but, like its predecessor, the TFG fell well short of serving as a national government. Instead power was concentrated in a narrow clan coalition, and the TFG was viewed as a client of Ethiopia. A Mogadishu-based coalition, comprising dominant clans from the capital, Islamists, leaders of the previous TNG, and warlords, formed an opposition to the TFG and blocked it from establishing itself in the capital. In 2006, the ascendant Islamic Courts Union (ICU) defeated rival militia leaders in Mogadishu and spread its authority across most of south-central Somalia. Mediation efforts by the Arab League in Khartoum between the TFG and the ICU failed in the face of bellicose threats by elements of the ICU to launch a jihad against Ethiopia, which had moved forces into Baidoa in August to protect the TFG. In late December 2006, Ethiopian forces swept the ICU from power, and installed the TFG in Mogadishu. External pressure on the TFG to negotiate with Mogadishu-based opposition in order to form a more inclusive transitional government met with limited success.[81]

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[80] CRD (2003). *Evaluation of EC support to the IGAD Somali national reconciliation conference.*
[81] Q. H. Farah, (2011). Political revolution in Somalia. Socio-Political, I, 17.

A recurring dispute throughout the talks related to representation (by faction or by clan) and who would select the delegates (and later the MPs). Traditional, religious and business leaders were sidelined, aggravating the weak public outreach during the two year process. Early 'legitimisation' of key faction/ political leaders as the 'Leaders' Committee' by the facilitators - the Technical Committee comprising Ethiopia, Djibouti, and Kenya - meant the process was effectively monopolised by these two groups and focussed heavily on power sharing negotiations rather than resolution of core conflict issues as originally intended. Expectations the Kenyan chair would moderate the opposing influences of Ethiopia and Djibouti (and their respective Somali allies) were not fulfilled and instead Kenya was seen as aligning itself with Ethiopia amidst accusations of bias from both delegates and observers. Although the state security agendas of the frontline states appeared to be key drivers in the process - and security is a key concern of Somali communities – no coherent strategic consideration was given to development of effective transitional security arrangements.[82]

2.5 Somalia Islamic Extremism and Terrorism

Arye Oded, in his article, Islam and Politics in Kenya posits that Somali clans easily unify under religion.[83] Somalia was influenced by Sufi Islam, Islax, Wahabbi and Tabliq forms of Islamic faiths. However, it was Ansar Al Sunna and lax-xarak branches of Wahabbi Islamic faith who advocated for Islamic extremism and terrorism.[84] The environment for terrorism in Somalia was boosted by the imaginary political, social and economic deprivation. Coupled with financing from the Gulf States terrorism was bound to take root.[85]

Since the fall of the Somalia Government in 1991 and solidified by the failure of United Nations operations to achieve their core missions, statelessness had defined political life. In addition to violent conflict between groups battling for control of Mogadishu, tens of thousands more had died as a result of preventable diseases and hunger. An indirect result

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[82]Q. H. Farah, (2011). Political revolution in Somalia. Socio-Political, 1, 17.
[83] Arye Oded, Islam and Politics in Kenya, Lynne Rienner Publishers,London,2000.
[84] Oral Interview, Sheikh Mohammed Sheikh Abdisalan,Kismayu,Somalia,29 September,2014.
[85] Bjorn Moller, 'Political Islam in Kenya', Danish Institute for International Studies, DIIS Working paper no 2006.

of the conflict, general insecurity associated with banditry had severely inhibited the supply of humanitarian aid. In and around Mogadishu by the mid-1990s the first prominent Islamic courts had emerged to provide some semblance of security by institutionalizing Sharia law. While the organizations materialized to assert judicial rule over ungoverned populations, they also espoused Islamist principles as a political platform. According to the U.S. Department of State, some elements of these original courts (and other organizations such as Al Ittihad Al Islamia) had ties to Al Qaeda, and had been main contenders for power in the country for years. Individual Islamic courts slowly integrated more recently, however, culminating in the formation of the Supreme Council of Islamic Courts (SCIC) in 2006.[86]

As the SCIC gained control of southern Somalia, the U.S. began supplying funding and weapons to a group of anti-Islamist businessmen and militia leaders named the Alliance for the Restoration of Peace and Counter Terrorism (ARPCT).[87] The ARPCT eventually clashed with SCIC militias in street battles during the spring of 2006, with the SCIC emerging victorious. After this decisive victory, the SCIC initiated a campaign that eventually took control of southern Somalia (Bryden 2006). SCIC success was framed as an imminent threat by the Ethiopian administration because some secessionist groups within Ethiopia, including the Ogaden National Liberation Front and the Eritrean Peoples' Liberation Front, were reported to have historical ties to Al Ittihad Al Islamia, the SCIC, and the new Al Shabab Islamist militia. With U.S. support, Ethiopia launched an occupation of southern Somalia in early December 2006, with troops protecting the Transitional Federal Government (TFG) as it relocated from Nairobi to Baidoa. The Ethiopia-TFG alliance later vied for other regions of southern Somalia, including Mogadishu, but never solidified its control.[88]

Al-Shabaab, Hizbul Islam, Ahlu Sunna wal Jama'a and the Somali Government who are all players in Somali politics purport to be Islamist organisations to varying degrees. Members of al-Shabaab and Hizbul Islam profess a Saudi-inspired version of salafist

[86]K. Menkhaus, (2007). The crisis in Somalia: tragedy in five acts. *African affairs,* 106(424), 357-390.
[87] Ibid.
[88] M. Bryden, (1999) New hope for Somalia: the building block approach. Review of African Political Economy, 26(79), 134-140.

Islam. Members of Ahlu Sunna wal Jama'a embrace a version of Sufi Islam. The Somali Government in Mogadishu accommodates a range of Islamist views. As a result, when the BBC published a 15 March 2010 report on fighting in central Somalia, it is perhaps forgivable that editors chose to go with the headline 'Somali Sufi group joins government to fight Al-Shabaab' . The byline elaborated further, stating 'A powerful Sufi Muslim group has joined Somalia's government to tackle the al-Qaeda-inspired Al-Shabaab insurgents who control large parts of the country'.[89]

The threat of Islamic extremism started to spread to Kenya when the terrorist groups in Somalia started recruiting in Kenya as well as radicalising Kenyan youths and breeding Kenyan terrorists' cells[90] Since independence, Kenya had struggled to contain the irredentist Somali policy of annexing the Northern Frontier District(NFD), the influx of refugees after the fall of Siad Barre Government in 1991 and later the threat of terrorism from Somalia.[91]

2.6 Somalia Clans

Somali clans form a major player in Somali politics and stabilization efforts. In Somali genealogy most Somalis are born into one of six 'big tent' clans. Four of these clans - the Darod, Dir, Hawiye and Isaaq, collectively known as 'Samaale' clans share the closest linguistic and cultural ties. These historically nomadic clans together constitute somewhere around 75% of all ethnic Somalis. Two more clans - the Digil and Rahanweyn of southern Somalia, sometimes called Digil-Mirifle - together comprise about 20% of all ethnic Somalis. They speak af-maymay, distinct from the af-maxaa of Samaale clans, and have historically practised a more sedentary lifestyle of farming and/or pastoralism. Additionally, and in contrast to the borderline xenophobia of many Samaale clans, Digil and Rahanweyn clans have had a custom of assimilating clansmen, from non-ethnic Somalis to former slaves and their descendants. Indeed, in the Rahanweyn's language their clan's name means 'large crowd'. A divide between

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[89] H. Hassan, and C. Barnes, (2007).*A return to clan politics (or worse) in southern Somalia.*

[90] "The Kenyan Military intervention in Somalia", *International Crisis Group*, Africa report No 184, 15 February,2012.

[91] S. W. Samson (2002), Conflict and state security in the Horn of Africa: Militarization of Civilian Groups, Vol.7 No.2,P 46.

Samaale clans and the Rahanweyn and Digil clans is pointedly evident when Samaale clan members use the derogatory word sab (translation: 'ignoble') when referring to some of their Rahanweyn and Digil Somali brethren.[92]

Somalis further classify themselves into subclans, or even sub-subclans and beyond. For example, in the Isaaq clan, which falls under the umbrella 'Samaale' clan structure, there are no less than three (some scholars say as many as eight) subclans: the Habar Awal, Habar Jaalo, and the Harhajis. The Habar Awal are then divided into at least two sub-subclans: the Sa'ad Muse and the Lise Muse and so on. Classification can even extend right down to the household level: if a man has more than one wife, for example, some in the household might stress the clans, subclans or sub-subclans associated with one maternal line over another. What is more, not all Somalis agree to which lineage lines other Somalis belong. Somali genealogy presents individuals with a seemingly infinite number of ways to affiliate with, or disassociate from, fellow Somalis - which may be the point.[93]

Historically Somalis have organised themselves into social insurance cooperatives called diya-groups (diya meaning 'blood wealth'). Diya-groups can consist of clans, subclans and/or sub-subclans, but members are always contractually bound to pay or receive damages collectively. Within this framework there is no concept of individuality. So, in the case of murder, a killer is expected to have his diya-group deliver just compensation to the victim's diya-group. Should compensation not be received, then the victim's kin are expected to exact blood revenge not only on the perpetrator, but also on any member of the perpetrator's lineage - which often touches off even more claims and counter-claims for diya payments or revenge. As noted above, the Siad Barre regime in its latter years had stressed clan divides yet continued to outlaw diya-groups. As a result, when the regime fell in 1991 and Somali clans scrambled to seize what was left of the Somali state, many were killed in the chaos. Siad Barre-inspired rhetoric had primed clansmen to expect such killing from 'others'. Yet the regime had also precluded the formation or

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[92]B. J. Hesse, (2010). Introduction: The myth of 'Somalia.' *Journal of Contemporary African Studies,* 28(3), 247-259.

[93]M. Bradbury, (2008). *Becoming Somaliland.* Oxford: James Currey.

adequate functioning of diya-groups which could have adjudicated conflicts and maybe mitigated violence. Consequently, cross-clan and internecine clan bloodshed took place on a massive scale.[94]

The clan-induced groundwork for a failed Somali state occurred in the wake of independence in 1960. In what was to be a unified Somalia, northern clansmen from former British Somaliland (the Isaaq mostly, but also some Dir) came to fill most technical posts. Clansmen from former Italian Somaliland (mostly the Darod and Hawiye, at the exclusion of the Rahanweyn and Digil) came to fill many political ones. Why this happened is sometimes attributed to the educational preparedness the British and Italians meted out before independence. The British, thinking mass education was too uncertain in nomadic cultures, set up only a few schools in their part of Somaliland, but schools which offered a high standard of education. A select few Somalis were then sent to British universities. By contrast, the Italians introduced mass education, but at a low standard and with a heavy hand (Somalis were expected to adopt the laws, customs and economic preferences of the Italian state). At independence, then, certain Somalis were better positioned to seize political and economic spoils, but almost always in the company of clansmen.[95]

Consequently, centres of governmental power and authority came to be associated not with the state so much as with clans. Had the filling of governmental positions not been so segregated and the allocation of governmental power more genuinely broad, unified Somali statehood might have been advanced. As it was, the immediate post-independence era was marked less by national unity and more by heightened clan rivalry. This rivalry came to a head in October 1969 when Somalia's president, Abdirashid Ali Shermaake (a Darod), was assassinated. The military ultimately took control and government rule

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[94]I. M. Lewis, (2008). *Understanding Somalia and Somaliland: culture, history and society.* New York: Columbia University Press.
[95]M. Bradbury, (2008). *Becoming Somaliland.* Oxford: James Currey.

evolved into a dictatorship with Major-General Mohammed Siad Barre (a Darod) as president.[96]

The Somali public is politically weak and fragmented by clan affiliation. Cooperative organizations or interest groups that operate independently of either the clan system or religious affiliation are rare in both Somalia and Somaliland. Social conflicts are mostly perceived and articulated as conflicts between clans and/or sub-clans. In the area controlled by al-Shabaab, public life and opinion was under the tight control of the militia, and the formation of interest groups outside of religion-based groups was forbidden.

In the absence of state regulation, economic actors in Somalia have been organizing themselves according to kinship relations and partly along religious affiliation, with the so-called majority clans taking the lead. Within clans, men dominate in economic and political matters. Structures of social control and trust within kinship groups or religious associations determine the parameters of economic interaction, instead of legal guarantees and general regulations. Membership in Islamic organizations, which promises new business contacts with the Arab world, is of growing importance. Within such organizations, clan belonging can be transcended to some degree.

2.7 Effects of the Conflict

The collapse of the state witnessed relocation of large numbers of Somalis to safe areas as IDPs and others as refugees in the neighbouring countries.[97] The collapse of the state, saw inequalities and exclusions worsen with whole population of groups, such as Jareer/Somali Bantu and Benadiiri minority being forcibly evicted from their homes and land, subjugated to slavery or killed. Those who managed to flee usually sought repatriation to the West as to never return to Somalia.[98] In Kismayu, 70% of the IDPs

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[96] B. J. Hesse, (2010). Introduction: The myth of 'Somalia.' *Journal of Contemporary African Studies*, 28(3), 247-259.

[97] N. Van Hear, R. Brubaker, & T. Bessa, "Managing Mobility for Human Development: The Growing Salience of Mixed Migration", *Human Development Research Paper (HDRP) Sreies*, Vol.20, 2009.

[98] M. T. Wakengela, (2011). Keeping an elusive peace: AMISON and the quest for peace in Somalia. Pretoria: Institute for Security Studies.

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were from Somali Bantu community displaced from the Jubba river by other armed clan militia.[99]

2.7.1 Displacement

Somalia is often viewed as the scene of ceaseless violence and displacement since the collapse of the state in 1991. However, the interplay of conflict and displacement has seen different phases, configurations and evolutions. Prior to the genesis of the displacement that has endured to the present day, Somalia was itself a major refugee hosting country, the home to an estimated 650,000 Ethiopian Somalis from the 1977–78 border war with Ethiopia. Those most affected were people living close to the contested border where the fighting was concentrated. The large numbers of refugees in the country contributed to a distortion of the national economy as the Government's use of aid resources as a major source of revenue played a major role in incorporating aid into the political economy of Somalia, a trend that has continued to this day.[100]

The genesis of contemporary Somali displacement is indicated in Figure below which shows the fluctuations in the total numbers of people displaced since the mid-1980s. The graph shows peaks in both internal displacement and refugee flows during the early 1990s at the onset of the conflict and state collapse and between 2007 and 2012 when escalated fighting and drought conditions contributed to widespread famine and emergency conditions. It also shows periods of relative calm when migration slowed and returns to some areas were possible.

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[99] Oral interview, Mohamed Issa Omar,Kismayu,30 September 2014.
[100]L. Hammond, and A. Lindley, (2014).*Histories and contemporary challenges of Somalia crisis and mobility.* Abingdon: Routledge.

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2000000

1500000

1000000

500000

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1986 1988 1990 1992 1994 1996 1998 2000 2002 2004 2006 2008 2010 2012

—○— Internally displaced people   —●— Refugees in neighbouring countries
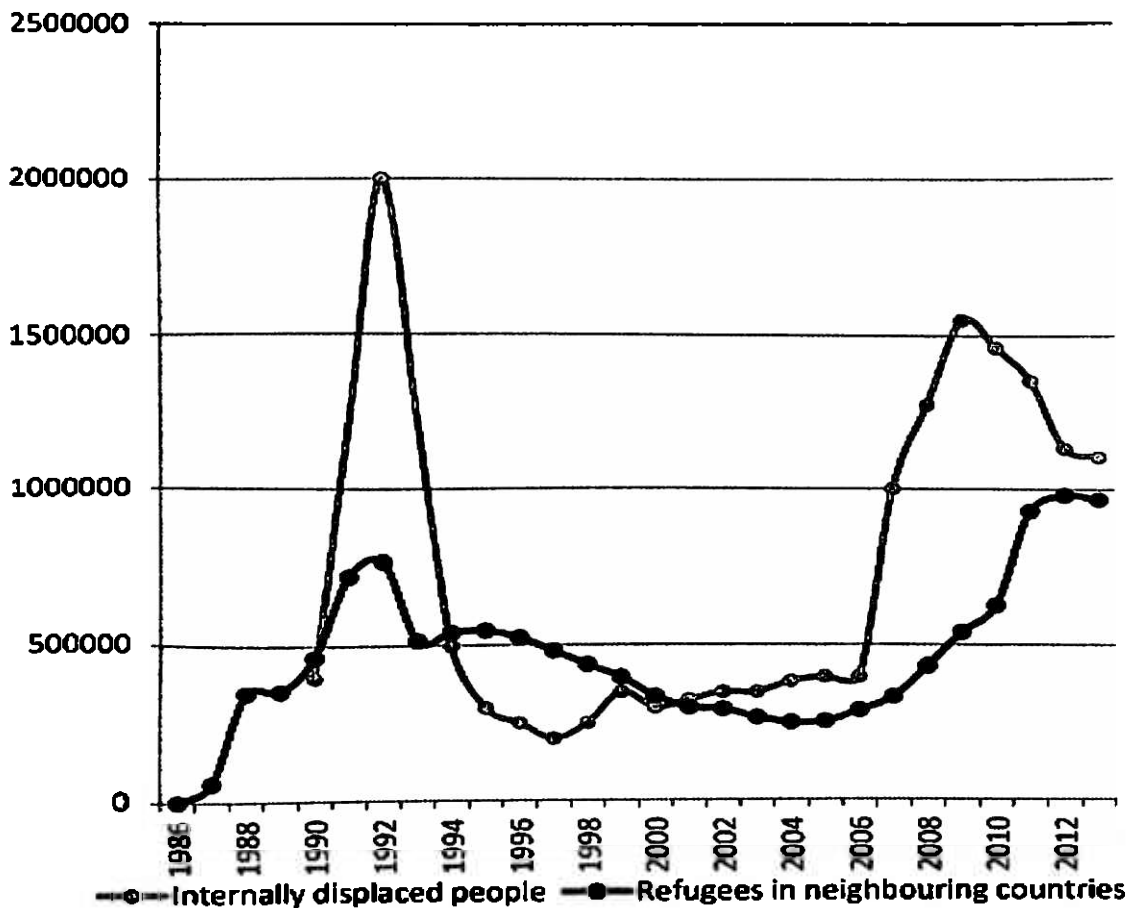
Source: A. Lindley and L. Hammond (forthcoming 2014) 'Histories and Contemporary Challenges of Somali Crisis and Mobility' in A. Lindley, ed. *Crisis and Migration*, Abingdon: Routledge.pp.21

The principal causes of displacement during the 1990s are usually identified as a complex emergency involving conflict, state collapse and drought.[101] Violent clashes between clans, combined with the effects of a severe drought, sent people fleeing for safer areas either in urban centres in Somalia or to safe havens in neighbouring countries. An estimated 250,000 people died during the 1992–93 emergency and as many as 800,000 refugees fled to Kenya and Ethiopia in 1992. Nearly 2 million people were internally displaced.[102]

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[101] J. Kirby, P. Kleist, (1997). UNHCR's cross-border operation in Somalia: the value of quick impact projects for refugee settlement. *Journal of Refugee Studies*, 10(2), 181-198.
[102] Ibid.

Although the vast majority of the region's refugees have been camp dwellers, no account of displacement from Somalia would be complete without considering "self-settlement." Large Somali refugee populations, partly in response to the insecurity within the camps as well as to avoid the livelihood challenges that camp life entails, have chosen to go without significant international refugee assistance and settle within urban areas of the host countries. In Kenya in 2011, it was estimated that 100,000 Somali refugees were living in Nairobi. Large numbers were also living in Mombasa and other cities, as well as throughout rural communities in the northeast of the country.[103]

Somalia continues to suffer from the humanitarian crisis. Violence, the destruction of livelihoods, the displacement of hundreds of thousands of citizens and the brutal rule of Islamists put the lives of many Somalis at risk.[104]

2.7.2 Human and Civil Rights Violations & Discrimination

Civil rights in Somalia are not guaranteed at all. All political actors fighting for power in southern and central Somalia have been involved in severe and systematic human rights violations in recent years. Civilians bear the brunt of armed conflicts, and indiscriminate attacks and the disproportionate use of force is commonplace in all areas. Violations of human rights, breaches of international humanitarian law, forced displacement and inhibition of the rights of movement are the norm.[105]

Al-Shabaab has, in the areas under its control, systematically violated civil rights and has arrested, beaten and even executed civilians, often under the pretext that the accused were spying for the West. People accused of working with al-Shabaab have been arrested and prosecuted without due process.[106]

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[103]L. Hammond, and A. Lindley, (2014). *Histories and contemporary challenges of Somalia crisis and mobility.* Abingdon: Routledge.
[104] United Nations Development Programme (UNDP) (2012). Human Development Index (HDI) Somalia, p. 62.
[105]United Nations Development Programme (UNDP) (2012). Human Development Index (HDI) Somalia, p. 62.
[106]K. Sabala, (2011). *Regional and extra-regional inputs in promoting security in Somalia.* Pretoria: Institute for Security Studies.

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Women in Somalia lack protections and are subjected to various forms of gender-based and sexual violence. In Al-Shabaab areas, girls were forcefully "married" to fighters and offered as an award for volunteering suicide attackers. Women were beaten in some regions if they left the house without a male relative; they were also beaten if they did not obey the strict dress code. In all areas of Somalia, women who have fled the drought or violence where they live, run the danger of being raped or sexually assaulted by militiamen and bandits. Incidences of rape were also extremely high in the internally displaced persons (IDP) camps in government-controlled areas.[107] In the centers of Somaliland and Puntland, some basic rule of law has been established, and the police force, the judiciary and other government institutions are working reasonably well.[108]

The Somali Bantu have been discriminated on caste or hierarchical clan identity. The Somali Bantu are in the lowest caste group in Somalia and even in Kenyan refugee camps. Somali Bantu are still casually referred to by ethnic Somalis as *addoon*, or slaves, are subjected to blatant discrimination, and have been the victims of land grabbing, forced labor, and predation at the hands of Somali militias since 1990. Even in Kenyan refugee camps at Dadaab and Kakuma, Somali Bantu are subject to abuse, ranging from appropriation of food rations by ethnic Somalis to rape of their women. A 2003 study found that 65% of Somali Bantu children in Kakuma camp are chronically malnourished, a rate five times higher than the camp's general population.[109]

2.8 Rebuilding the Somalia State

Rebuilding the Somalia state with power decentralized into states, 'building blocks' requires that the informal Somali institutions should be provided with the time necessary to organize the Somali society, instead of focusing on how to build formal institutions that will have a positive *trickledown effect* on the informal institutions. Today the informal institutional structures in Somalia are designed to incorporate the risk arising from the insecure situation the Somalis are living under.

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[107] Ibid.

[108] L. McKay, (2011). *Piracy off the coast of Somalia.* Pretoria: Institute for Security Studies.

[109] K. Menkhaus, (2011). Somalia and the Horn of Africa. *World Development Report 2011 Background Case Study.*

In examining one of the 'clan maps' of Somalia that have proliferated on the walls of embassies and aid agencies in recent years, it becomes tempting to define 'building blocks' strictly in terms of kinship. A future Somalia state might thus resemble a patchwork of semi-autonomous territories defined in whole or part by clan affiliation, leading to a breakdown as follows; an Isaaq dominated state in the north-west, corresponding roughly (if not exactly) to the boundaries of former British Somaliland; in the northeast, a principally Majerteen polity involving some (if not all) of the broader Harti community centred on (but not necessarily restricted to) the regions of Bay and Bakool; Juubaland(Jubbaland), an admixture of groups from the Jubba valley, possibly extending as far north as Gedo region; and a national capital (probably, but not necessarily Muqdisho) administered separately as a cosmopolitan hub for all Somalis.[110]

The main post-transition objective is therefore to enhance Somalia's state capabilities so that it can emerge out of fragility. It will be necessary to empower the near institutions and help build the credibility of the new leadership. For this to happen, it will be vital for the government to show that it is capable of providing basic services to its people. Somalia 's transformation process must begin by building accountable institutions at local, regional and national levels. The objective is to bring back into the fold of the state those coping mechanisms that were developed as a result of state collapse, establish public authorities that enjoy the trust of the Somalia people, and to help create a political culture that goes beyond clan or sectarian interests. The role of civil society and the media in particular will continue to be important to keep the new leadership accountable, as well as to express social agendas.[111]

2.8.1 Federalism in Rebuilding the Somalia state

The Somali Federal Government provisional constitution approved in 2012 represents an opportunity for Somalia to re-establish a central government which has been absent for

[110] M. Bryden, (1999) New hope for Somalia: the building block approach. *Review of African Political Economy*, 26(79), 134-140.
[111] A. Ghani, and C. Lockhart, (2009). *Fixing failed states: a framework for rebuilding a fractured world.* Oxford: Oxford University Press.

the last two decades, and reach a stability that its society lacks since the pre-colonial era. The constitution envisages the implementation of a federalist structure for the new Somali state, a solution that is facing a number of issues in the prickly Somali political environment. However, these issues do not seem to be insurmountable; the question is if the Somali Federal Government (SFG) and the other actors involved are approaching the question with proper legal means and good intentions. Now as before, the core of the matter lies both in the relationship among Somali clans as well as in the harmonization of the different sources of authority which can be found on the ground. The analysis of federalism in Somalia, as it has been formulated so far, can thus shed light on the progress made towards stability and consequently on the practical possibilities to overcome a political impasse that has lasted over twenty years.[112]

The configuration of the Somali State as a federalist one has been decided by the National Constituent Assembly, which adopted the Draft Constitution on August 1, 2012. Article one states unequivocally that "Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people and a multiparty system and social justice". Leafing through the document, one reads that "the Federal Republic of Somalia is founded upon the fundamental principles of power sharing in a federal system" (Art.3) and that sharia maintains its supremacy on the constitution (Art.4). The subsequent articles of the constitution dedicated to federalism can be found in "Chapter 5: Devolution of the powers of government in the Federal Republic of Somalia" (Articles 48 to 54). In this section, the constitution describes the collaborative spirit that shall be established between the federal government and the federal state government level, and goes on by listing practical issues that need to be approached with a cooperative relationship. Neither the Constitution nor other documents, however, do provide a comprehensive description of all aspects of the federal system: if, on the one hand, the constitution seems to include much of the federal political system's principles, on the other it does not directly deal with some other relevant issues, whose specifications are instead entrusted to the decisions which will be taken by three institutional bodies:

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[112]D. K. Leonard, and M. S. Samatar, (2011). What does the Somali experience teach us about the social contract and the state. *Development and Change*, 42(2), 559-584.

Federal State Parliaments, The House of the people (the lower house of the Federal Parliament and a National Commission appointed by the House of the people.

Traditional practices had shaped the Somali politics and it was not yet clear whether they would pose difficulties in the implementation of federalism.[113] Puntland had expressed wish to be part of a federation despite having advanced governance structures than the federal Government itself. Puntland had declared itself autonomous, not independent. Puntland had played a decisive role in assisting Somalia towards the new constitution, hosting two conferences in its capital and supporting the entire road map which put an end to the Transitional Federal Government. In virtue of its efforts, Puntland government had stressed several times the features that a federal Somalia should have: in February 2012, for example, the President of Puntland Farole had said[114] "The type of federalism we would like to see for Somalia is a system where power and resources is divided between the states and the federal level. Gone are the days when power and resources was unfairly concentrated in a single city-state."[115]

In a way, Puntland poses a direct challenge to the federal government: after twenty years of chaos and inconclusive attempts towards the national reconciliation, the root node for Mogadishu is the recovery of Puntland's confidence and trust that can be regained showing signs of stability and institutional commitment. Conditions not fully met presently by the federal government.[116]

Somalia is starting the process with one state that has no interest in being part of the federation (Somaliland), one state that wishes to be part of a federation but on the basis that it has the right to govern its own people while allocating some powers to a federal government (Puntland), and other regions under Al Shabaab control.[117]

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[113]A. A. Osman, (2007). Cultural diversity and the Somali conflict: myth and reality. *African Journal on Conflict Resolution*, 7(2), 93-134.
[114] Ibid.
[115] I. M. Lewis, (2008).*Understanding Somalia and Somaliland: culture, history, society*. London: Hurst & Company.
[116] Ibid.
[117]S. S. Ian, (2003). Reflections on Somaliland & Africa's territorial order. *Review of African Political Economy*, 30(95), 81-99.

The federal constitution recognizes the constitutions of the two currently existing federal member states of Puntland and Galmudug. Article 142 (1) states that "until such time that all the federal member states of Somalia are established and the adopted federal member states constitutions are harmonized with the Somali federal constitution, the federal member states existing prior to the provisional adoptions of this provisional constitution by a national constituent assembly shall retain and exercise powers endowed by their own state constitutions." In addition, the federal constitution states that the existing federal member states that the existing federal member states must be consulted with by the federal government with respect to the "federal system, and security arrangements." See article 142(2). This subsection is not clear as to what the 'consultation' with the federal member states intends. Is it just consultation with the Federal Government responsible for enacting laws as it sees fit or does consultation with the Federal member states imply that the Federal Government needs formal acceptance by the Federal member states?.[118]

2.9 Conclusion

The Somali aspiration to reclaim 'lost territory' was the sowing of the seed of conflict and consequential destruction of the country. The rule of Siad Barre took a down ward swing in 1977/78 when he ordered his military to conquer Ethiopia leading to the defeat of his armed forces and later internal armed clan resistance overthrew his government.

The UN failed to stabilize Somalia passing the challenge to the regional body IGAD who tasked the 'frontline states' who included Kenya, Ethiopia and Djibouti. Unfortunately Ethiopia and Djibouti had conflicting national interests. The conflicting interests between these two countries and their international partners had contributed to the protracted conflict in Somalia. Ethiopia who had been representing the western interest and federalism took the win when during the Mbagathi conference successfully pushed for federalism against the wish of Djibouti and Islamic states wish to revive a strong central Government. The Islamic states further lost credibility when their sponsored parties turned ideologically extremist and threatened Jihad.

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[118]Ibid.

However, the ideologically motivated parties like Islamic Courts Union and later Al Shabaab had managed to overcome the chronic 'clannism' in Somalia and united the Somalis under religion.[119] The current Somali Federal Government is faced with the same problem as the Members of the Parliament (MP) are selected by their clans and therefore the loyalty of the MP is to the clan and not the Government! The Darod and Hawiye clans who dominated the Somali politics since independence still dominate the current politics as it is predetermined that the president of the Somali Federal Government must come from the Hawiye clan and the Prime Minister must come from the Darod clan.

The Somali conflict affected most the Somali Bantu and minority groups. The Somali Bantu are considered inferior caste. They had been massively displaced from the Jubba River and forced into IDP camps where in Kismayo they contribute about 70% of the total displaced population. They are not adequately represented in the Somali Federal Government. The Jubbaland regional state had recognised the Somali Bantus and one of them is a minister which is a big recognition.

Resolving underlying conflict issues in Somalia was not a priority. Resource and power sharing had been the centre of attraction to all players. The failure to address outstanding issues of grabbed land, lost property, killings and forced displacement may be a recipe for a conflict in future when the current desperation of restoring the Somali state was overcome.

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[119]L. Vidino, R. Pantucci, & E. Kohlmann, (2010).Bringing global jihad to the horn of Africa: Al Shabaab, Western fighters, and the sacralization of the Somali conflict. *African Security, 3*(4), 216-238.

CHAPTER THREE
JUBBALAND'S ACTORS AND CONTRIBUTION TO SUCCESS IN PEACE BUILDING EFFORTS

3.1 Introduction

The Jubbaland peace building efforts had taken cognisance of the fact that central Government institutions were not the sole or even primary locus of power. Most power continued to reside in actors who may operate outside the Government, or who may hold a position in the Government but act autonomously from it.

Important actors in Somalia are those who possess some form of power or influence to shape political outcomes, mobilise communities, or to block developments they deem undesirable. More than in most settings, Somali actors have limited ability to drive positive outcomes, but ample capacity to exercise negative outcomes. Put another way, Somalia is rich in potential spoilers, due to high levels of clan distrust, the ease with which clan alliances can unravel, ready availability of small arms, and extremely weak capacity of governments to make defections costly. This power to shape or block political initiatives can be derived from multiple sources, including one's position of respect in a clan, financial resources from private business wealth, shaping public opinion via the media or other outlet, a position of power in government, control over an armed militia, a strong social network, and perceived access to powerful international actors and their resources.

3.2 The Somali Federal Government as an Actor

The Somalia Federal Government (SFG) was an active actor in Jubbaland formation as the legitimate representative of the sovereign state of Somalia. Despite having not developed a systematic revenue system and relying on international aid, it had limited source of funds from the fees paid at the international port and airport in Mogadishu. It also lacked accountability systems for expenditures, and members of the Government and parliament were often accused of corruption and the misuse of foreign funds.[120] This

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[120]L. McKay, (2011). Piracy off the coast of Somalia. Pretoria: Institute for Security Studies.

made the SFG have a limited financial muscle to fund its operations including implementation of federalism.

On September 10 2012, Somalia formed a new government led by Hassan Sheikh Mohamud who was elected by a clan-based proxy parliament to rebuild a federal state of Somalia from the ashes of the civil war. However, immediately after coming to the office with high expectations, and an overwhelming support across clans, this new Somali government had faced the challenging task of sorting out priorities, and even at times set out with the wrong priorities; for example, (1) its opposition to the prior agreement on stabilization program by the preceding Federal Transitional Government, (2) its zeal to lobby for lifting the arms embargo without having a bottom up approach to building an inclusive national army, and (3) imposing handpicked regional administrators or potential regional state leaders. In a country that had been in a civil war for more than 22 years and with precarious security conditions in most of southern regions, the new government of Somalia's first order of business should have been finding ways to implement the provisional federal constitution with the objective of revamping and restoring the country's public institutions and restoring trust among Somalis.[121]

Since the new government of Hassan Sheikh Mohamud came to office in September, 2012, the formation of Jubbaland state had been the centre piece that marked post transitional government crisis. The government in Mogadishu wanted to assert its power over the process of regional state formation, whereas Jubbaland leaders claimed otherwise. A number of high government delegations had been to Kismayo to negotiate with the interim administration, but none yielded any meaningful result.[122] Eventually, the Addis Ababa agreement was signed which specified the road map for creating SFG accepted Jubbaland administration.

[121]R. Faisal, (2007). *Local and global norms: challenges to Somalilands unilateral secession.*
[122]United Nations Development Programme (UNDP) (2012). Human Development Index (HDI) Somalia, p. 62.

3.3 Jubbaland Administration as an Actor

The administration of Jubbaland was a topic under fierce discussion, with various actors vying for control. The Somali 'technical committee' comprised of Jubbaland residents abruptly voted in Sheikh Ahmed Mohamed Islam (Madobe) as President of Jubbaland in May 2013, in the face of opposition from the SFG. At the same time, Barre Aden Shire (Hiiraale) also declared himself Jubbaland President for the SFG.[123] Madobe was an ex-Al-Shabaab commander, leading the Ras Kamboni brigade, a mainly Ogaden militia which was supported by Kenya. Ras Kamboni and some elements of Somali National army were responsible for freeing Kismayo from Al-Shabaab control in October 2012. The Ras Kamboni and the Somali National Army were later renamed Jubbaland forces. Madobe had been elected the president over the three Juba regions, and but the Somali Federal Government was opposed to his rule and fronted Barre Hiiraale. Barre Hiiraale was supported by his old militia, the Juba Valley Alliance, which had controlled Kismayo from 1999-2006.[124] However, some sources indicated that Barre Hiiraale had taken the Kenyan trained and equipped Somali forces, 'Kamanga forces' from his Marehan clan. However, IGAD led negotiation had seen Barre Hiraale surrender to Jubbaland administration together with his forces.[125]
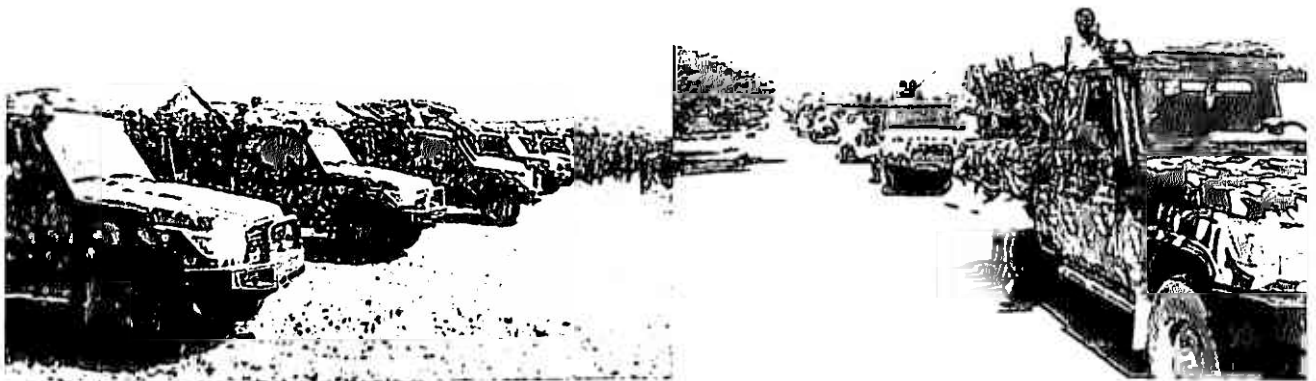
Jubbaland forces preparing to liberate territory controlled by Al Shabaab on 6 Sept 14
Photo source: Radio Kismayo

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[123]M. Bryden, (2013).*Somalia redux? Assessing the new Somali Federal Government. A report of the CSIS Africa program.*Center for Strategic and International Studies.
[124] Ibid.
[125] Oral interview, Abdi Warsame, defector from Baare Hiraale forces in Gobweyn, Kismayu, 30 September 2014.

In June 2013, the Somali Federal Government and Jubbaland administration met in Addis Ababa to reach a resolution, which made a settlement in favour of Madobe. Hiiraale's failure to win control of Kismayo was seen as a loss for the Somali Federal Government.[126]

Members of the Hawiye clan generally opposed Jubbaland, while the Darood generally backed it, with the exception of the Marehan clan. The Marehan clan is powerful in the region, and the failure to include it in power-sharing was seen as problematic.[127] There was an unlikely tacit alliance between Al-Shabaab and the Somali Federal government against Madobe. Puntland had been in support of the federal accession of Jubbaland, and had recognised the legitimacy of Madobe. Most commentators agreed that Kenya's activities in Jubbaland since 2011 strongly suggested a desire to implement the 'Jubbaland project' which would provide a friendly 'buffer zone' state, offering Kenya some distance from Somalia's instability.[128]

According to Hirad (2013) Jubbaland state of Somalia is an example of bottom up approach, where clans, who have endlessly and senselessly feuded since the fall of the late Siad Barre, coalesced and came together. Jubbaland state of Somalia consists of three regions namely; lower Juba, Middle Juba and Gedo and these regions have achieved and are commendable for what could be considered a model to the rest of the regions in Somalia, and for that matter a blue print for how to create grassroots driven administration.[129]

The current Somalia government see Jubbaland as an exemplary state to use as a model for the rest of the Somali regions and not as an existential threat which it gets fixated on and lose sight on the bigger picture of unifying the country. After creation of Jubbaland, the Somali Federal Government had created south west state(Bay, Bakool and Lower

[126] A. Halakhe, (2013). *Kenya needs a comprehensive exit plan in Somalia*. Blog article.
[127] L. Hammond, (2013). Somalia rising: things are starting to change for the world's longest failed state. *Journal of Eastern African Studies*, 7(1), 183-193.
[128] D. Anderson, (2012). *Kenya's Somalia invasion: Local indications, regional implications*. Presentation by Professor David Anderson, University of Oxford at the University of Birmingham.
[129] A. Hirad, (2013). *Jubbaland state of Somalia a model state to Somalia*.

Shebelle region), Central state (Galgaduud and some part of Mudug) and others are in the process of being created[130]. It is critical and hoped that the Jubbaland people will commit to, without hesitation to the best path forward of self-governance. This involves the process that is fair, transparent and with equitable sharing the administration of the state[131].

3.4 Al-Shabaab as an Actor

Al-Shabaab was a common enemy for both the Somali Federal Government and the Jubbaland administration. Al-Shabaab had waged war against the Somali Federal Government and Jubbaland administration forcing the two players to be united in the common course of defeating Al-Shabaab.

Al-Shabaab ('the youth' in Arabic) originated as the military wing of the Islamic Courts Union, splitting in 2006 when the ICU disbanded and its moderate members embraced the Djibouti peace agreement (Stanford University Mapping Militant Organizations Project). Al-Shabaab is the largest militia group in opposition to Somalia's federal government and foreign intervention, specifically against the invading Ethiopian forces at the time of establishment. Its goal is to overturn the government and establish an Islamist Somalia adhering to strict Shariah law (Stanford University. Updated 2013), a combination of nationalist and religious ideology. It probably has several thousand members, but likely to have a core ideological group of 300-800. Its strength lies mainly in the weakness of its opponents and the critical economic situation in Somalia.[132]

Al Shabaab was stronger than the Somali Federal Government with capacity to attack the presidential palace, Somali parliament and any other Government installation at will. The Al Shabaab had sympathy from the parties who were opposing federalism and western influence in Somalia. Al Shabaab had formed themselves into a Government structure with judiciary, customs department to collect taxes, police and military wing. However,

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[130] Oral speech by H.E. Hassan Sheikh Mohamud the president of SFG on 16 September 2014 while opening the Jubbaland reconciliation conference.
[131] Oral speech by participants during the Jubbaland reconciliation conference, Kismayo 16/09-05/10/2014
[132]Saferworld. (2012). Mogadishu rising? Conflict and governance dynamics in the Somali capital. Saferworld.

with concerted effort by the AMISOM forces, they were getting weaker by the day and especially after the death of its leader, Godane. The Al Shabaab will not withstand the international pressure forever and will crumble at one time and get vanquished.[133]

The Al Shabaab could not be held to negotiate as they were international Islamic organization which did not accommodate ideologies like democracy. They also could not give up on their plans and all they wanted from the Somali situation was a win and nothing less. They had a very strong intelligence base on the government plans. But if the SFG could strengthen itself and make people secure then the people would shift loyalty to the government. The Al Shabaab had mistreated the Somalis and hence lost the public confidence.[134]

Al-Shabaab has a central council, but the network is structured loosely so that the loss of senior commanders does not threaten the group's integrity. There are several key figures with varying degrees of influence and differing personal agendas. Al-Shabaab had focused on religious ideology, and clan-based politics play little role in the leadership of the group.[135]

In February 2012, Al-Shabaab announced its formal merging with Al Qaeda. There has been a recent internal power struggle over this issue, including some internal killings, with Godane's faction supporting the merger and others not doing so. It seems likely that the majority of Al-Shabaab do not support the merger and foreign control by Al Qaeda[136] Al-Shabaab's influence was seen in its ability to recruit foreign volunteers. These were primarily young men of Somali origin travelling back to the home country, but there was concern that there may also be traffic in the other direction. Al Shabaab had in its ranks US, Canadian, UK, Denmark and Sweden citizens as well African and Arab nationalities. The 2006 Ethiopian invasion may have driven a wave of patriotic fervour for defending

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[133] Oral interview, Hidig, SFG M.P 05/09/2014.
[134] Oral interview, Hidig, SFG M.P 05/09/2014.
[135]L. Vidino, R. Pantucci, & E. Kohlmann, (2010).Bringing global jihad to the horn of Africa: Al Shabaab, Western fighters, and the sacralization of the Somali conflict. *African Security, 3*(4), 216-238.
[136]A. Meleagrou-Hitchens, S. Maher, & J. Sheehan, (2012).*Lights, Camera, Jihad: Al-Shabaab's Western Media Strategy.* International Centre for the Study of Radicalisation and Political Violence (ICSR).

Somalia, but the following steady flow of volunteers appears driven by jihadist ideology rather than patriotism. New volunteers are not all ethnic Somalis; the group contains Arabs, South Asians and others. Al-Shabaab had increasing influence in Kenya, through infiltration of Somali community mosques by radical preachers and recruiting students with bribes of mobile phones and money, and strong links in Yemen through Al-Qaeda. New fighters were increasingly from East Africa. Some members were Somali soldiers trained by the USA, who deserted government forces after not receiving their pay.[137]

Al-Shabaab recruiters are smart and well-educated; they offer a way of life and a community rather than just a weapon and a salary, particularly appealing to Somali youth who have few economic prospects and have lived through the failure of formal political processes. Recruiters are able to frame jihad as a genuine way of transforming society and a legitimate political option in Somalia. The group is currently tapping into clan-based grievances, including targeting minority clans, which means understanding clan dynamics is important for tackling Al-Shabaab. New recruits are likely to be susceptible to radicalisation due to a combination of factors, but for many, economic deprivation and community isolation play a part, as does war-related trauma. Social networks and the influence of relatives and friends are likely to be the strongest motivating factors for joining.[138]

Al-Shabaab has a highly sophisticated media strategy for recruitment and indoctrination, using videos and the internet to communicate with members and the diaspora and to put across its own version of events. It is aimed at the diaspora and infused with the creation of a transnational political Muslim identity. Al-Shabaab presents news in a way designed to inspire trust and legitimacy – giving analysis of losses as well as victories, and accurate locations and timings for the videos – and reporting in Somali, Arabic and occasionally English. Abu Mansoor al-Amriki (real name Omar Hammami; of Syrian-American descent) from Alabama joined in 2007 and had become Al-Shabaab's leading

[137] L. Hammond, (2013). Somalia rising: things are starting to change for the world's longest failed state. *Journal of Eastern African Studies*, 7(1), 183-193.

[138] L. Vidino, R. Pantucci, & E. Kohlmann, (2010).Bringing global jihad to the horn of Africa: Al Shabaab, Western fighters, and the sacralization of the Somali conflict. African Security, 3(4), 216-238.

propagandist. He was actively recruiting Western citizens, drawing on his own experience to reach out to similar leverage points[139].

3.5 Other Militia Actor(s)

Militia groups are part of the highly fragmented security sector, with rapidly changing structures and allegiances (Expert comments). They do not necessarily formalise under a title unless there is an incentive to do so, such as a peace conference which requires groups to be organised (Expert comments). Somalis have criticised warlords involved in the peace processes as having power but no intention of abiding by the agreements, and representing only their own narrow interests. In 2012, up to 50 per cent of police and military personnel in Mogadishu were working for private individuals, in a vast array of neighbourhood vigilante groups. These groups were loyal to their leader and do not display any larger organisational structure.[140]

3.5.1 Ahlu-SunnaWal-Jama (ASWJ)

The second most important armed militia is ASWJ, which is opposed to Al-Shabaab and fights it in the central region. ASWJ claim to represent the traditional early Islamic order of the Sufis. Its objective is to confront the Salafi and Wahabi ideologies, particularly where armed groups try to impose this on civilians. It is considered an integral group in Somalia's political and security situation, as a mediating force and buffer. Prior to 2008, it was a peaceful order, establishing schools and social activities to support the spread of their brand of Islam, when Al-Shabaab provoked a reaction by desecrating the graves and increasing restrictions on the regions under their control. ASWJ drove Al-Shabaab out of their areas with Ethiopian-provided arms. Ethiopia appears to exert a strong influence on the group, supporting it as opponents of Al-Shabaab, and has provided training and weapons. The Transitional Federal Government signed a power-sharing agreement with Ethiopia and ASWJ, securing formal position for ASWJ members in the

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[139]A. Meleagrou-Hitchens, S. Maher, & J. Sheehan, (2012).*Lights, Camera, Jihad: Al-Shabaab's Western Media Strategy.* International Centre for the Study of Radicalisation and Political Violence (ICSR).
[140]Saferworld. (2012). *Mogadishu rising? Conflict and governance dynamics in the Somali capital.* Saferworld.

cabinet in exchange for help fighting Al-Shabaab, but there are debates over whether this had actually happened.[141]

Its organisational structure has a high council of senior scholars, headed currently by Sheikh Ma'allim Mahmud Sheikh Hassan Farah (Ayr clan); a reference council of seven men; an executive council and a legislative council. They are not as media-savvy as Al-Shabaab, and lack video or web content. They are funded by locals in exchange for protection services, which appears to be a legitimate operation rather than a protection racket.[142]

The fighting arm is led by Farah, while there is also a Mogadishu arm which does not fight, led by Sheikh Sharif Muhidin (Abgal clan). This appears to be a leadership divide, with both factions being important. It is primarily operational in Galgaduud, and has established quite strong control over the central region, which some see as a threat to the government, while others believe it is operating in national interests.[143]

3.6 Internal and External Actors

Jubbaland has other non-armed actors who equally wield influence on the outcomes of any political settlement. They include actors within the boundaries of Somalia. These actors are discussed below;

3.6.1 Council of Islamic Scholars (CIS)

The CIS is a religious organisation which brings together representatives from a variety of Islamist organisations. It is based in Mogadishu and wields a moral authority over the city, with the capability to mobilise tens of thousands of followers. Its objective is to uphold Islamic values in Somalia, for instance in the provisional constitution, which it deemed un-Islamic and called for consultation with scholars in the drafting process.[144]

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[141]K. Menkhaus, (2011). *Somalia and the Horn of Africa.* World Development Report 2011 Background Case Study.
[142] Ibid.
[143]C. McEvoy, (2013). *Shifting priorities: Kenya's changing approach to peacebuilding and peacemaking.* Oslo: Norwegian Peacebuilding Resource Centre.
[144]Saferworld. (2012). Mogadishu rising? Conflict and governance dynamics in the Somali capital. Saferworld.

The moderate Islamist group Al-Islah was founded in 1978 in Saudi Arabia, but began to really establish itself in Somalia from 1990 onwards. Many of the founders had studied abroad in Sudan and Saudi Arabia. Its goal is to establish an Islamic state in Somalia, with Shariah law, and to promote Islamic principles in Somali society. It believes this can be achieved through the Islamisation of the state, rather than confrontation and hostility, following the Egyptian Muslim Brotherhood model; it is the only recognised Muslim Brotherhood group in the Horn of Africa.[145]

It has a pragmatic approach to the changing Somali context and has cooperated with many sectors of society, including warlords. It has encouraged a conciliatory approach among its members, which enabled it to exercise great influence at the Arta peace conference in 2000. It has established dozens of schools and the University of Mogadishu, and encourages strong social and cultural participation of its membership. It has also successfully operated some conflict resolution activities between warring clans. Members pay a fee, which part-funds the organisation, while the rest comes from charitable donations and grants.[146]

Al-Islah lost support in 2006, when it showed support for the invading Ethiopian army, against the general mood in Somalia. This resulted in the total dismissal of the leadership, which refused to step down, creating two competing leaderships. There are still two factions, one led by the group's original founder, Sheikh Mohamed Ahmed Nur (Garyare) and the other coalescing in response around the presidential candidate Abdurahman Moallim Abdullahi (Badiyow). Garyare's faction has merged with Damul Jadiid, the powerful organisation said to be behind President Hassan Sheikh Mohamud. Several members of the government are thus members of, or affiliated with, Al-Islah and Damul Jadiid.[147]

[145]R. Marchal, (2011).*The Rise of a Jihadi Movement in a Country at War—Harakat Al-Shabaab Al Mujaheddin in Somalia.*Sciencespo Paris Cnrs.
[146] Ibid.
[147]M. Bryden, (1999) New hope for Somalia: the building block approach. Review of African Political Economy, 26(79), 134-140.

3.6.2 Clans and Clan Elders

Social relations in Somali society are based on a system of customary contract known as *xeer*, adjudicated by ad-hoc committees of elders, assembled as required. The fundamental contracting unit is the mag group, the members of which act as guarantors of the good behaviour of fellow members, on pain of having to share the burden of compensation on any member's behalf should they be adjudged the guilty party in a dispute. Each mag group is represented by one or more informal leaders or 'aaqil; a term which is sometimes translated as 'chief', but which is primarily an influencing, negotiating and chairing role, rather than one which grants the incumbent authoritative power. During the time of the Somaliland Protectorate and the Italian colony and trusteeship, both colonial administrations attempted to co-opt the role by paying a stipend to 'aaqils or their equivalent in return for work on behalf of the colonial administration. A similar practice had earlier been employed on a more limited basis by Egyptian administrators, and quite likely before that it was also continued and adapted by subsequent Somali governments.[148]

This resulted in a burgeoning number of 'aaqils', and also the politicisation of the role in some instances. However, these external influences on the social system were relatively less pronounced in the north than in the south, where the Italian administration had much grander plans for the 'modernisation' of their colony. There is a clear hierarchy of male traditional roles in which the 'aaqil' is only one, but all retain an emphasis on negotiation, mediation and facilitation. It is therefore misleading to describe Somali society as either acephalous on the one hand or employing a formal hierarchy of power on the other, without further context. There are certainly differentiated levels of influence and respect, and these carry great weight. Typically, the customary system is also heavily biased against individuals who assume too much direct authority in the eyes of their respective communities, while according considerable autonomy to those who act as mediators or facilitators. In hierarchical terms, a number of titled elders sit at levels above 'aaqil, and the terms used can differ slightly from clan to clan. Generally, though, garaad, ugaas, boqor and suldaan all refer to positions of greater seniority than the 'aaqil.

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[148] I. M. Lewis, (2002). A modern history of the Somali. Oxford: James Currey.

When disputes arise, the onus falls first on the head of the families involved if between two such units, or else on the 'aaqil of affected mag groups to attempt to negotiate a settlement. If the problem proves intractable, a mediator might step in. The identity of such an individual or the composition of a mediating group would need to command the respect of the protagonists; a task made easier of the mediator is seen as 'independent'. Any individual or group who assumes such a mediatory role may be referred to as a guurti, a term that has more recently been institutionalised and, many would argue, politicised in the Somaliland context through its application to the upper house of the Parliament. The essential etymology of the term, though, refers more generally to the necessary wisdom of any person or group responsible for mediating disputes.

Somali customary law is based on sets of principles. It is not rigid, as there is explicit recognition that too great a level of specificity in law will fail to provide the flexibility necessary for dealing with the vagaries of day-to-day life. Those principles have evolved around the dual focus of protection of the rights of the individual to life, liberty and property as well as the individual's commitment to family and clan. In the context, the related processes of adjudication, mediation, negotiation and consensus-building carried out with a commitment to transparency and in good faith are the critical mechanisms for the application of recognised principles. Rhetoric and oratory are prized skills, as the ability to persuade others of the veracity of an argument will contribute directly to the achievement of a more advantageous agreement.

Any adult male in Somalia can be considered an elder with a right to speak in local council; councils themselves are ad hoc gatherings to deal with specific issues. Elders are therefore representatives rather than executive leaders, and tend to act as peacemakers and arbiters. As with other areas of Somalia, the influence any elder has is dependent on his personal skills, connections, and ability to satisfy his followers' needs.[149]

Local people do not necessarily want their elders to get involved in national politics; they may prefer them to govern the local level. Elders have frequently been included in peace

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[149]K. Menkhaus, (2011). Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.

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processes and negotiations, but this has also been criticised by Somalis as the elders lack any authority over armed militias. Elders are seen as legitimate, but are also held responsible, along with politicians, the West and AMISOM, for the lack of progress towards stabilisation.[150] In the formation of Jubbaland regional state of Somalia, clan made significant contribution by providing food for the delegates conference (see photo below)

Awramale clan contributes a camel to feed the
delegates during formation of Jubbaland state
Photo source: Radio Kismayu dated 30 March 2013.

3.6.3 Business Community

There are strong connections between business and politics in Somalia, and the business community holds a lot of power. Politicians are frequently businesspeople and vice versa, while lucrative government contracts are also awarded to business friends.[151]

One of the largest business sectors is telecommunications, and, related to this, remittances. The telecommunications revolution facilitated the rise of remittance companies for diaspora members to send money back to family members at home. The cash funds can be used for a variety of purposes, but often are invested in socio-economic

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[150]R. Marchal, (2011). The Rise of a Jihadi Movement in a Country at War—Harakat Al-Shabaab Al Mujaheddin in Somalia. Sciencespo Paris Cnrs.
[151]Saferworld. (2012). Mogadishu rising? Conflict and governance dynamics in the Somali capital. Saferworld.

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development, particularly in water and electricity health and education, and real estate construction.[152]

The business community is pivotal in moving money around the country through its networks, and can build alliances across clans to secure movement of goods. Business entrepreneurship is largely responsible for the telecommunications and money transfer boom and, on the whole, the business community is highly valued and controls much of Somalia's asset base.[153]

In the formation of Jubbaland, the Jubbaland business community financed the delegates' conference which led to the formation of Jubbaland regional state of Somalia.[154]
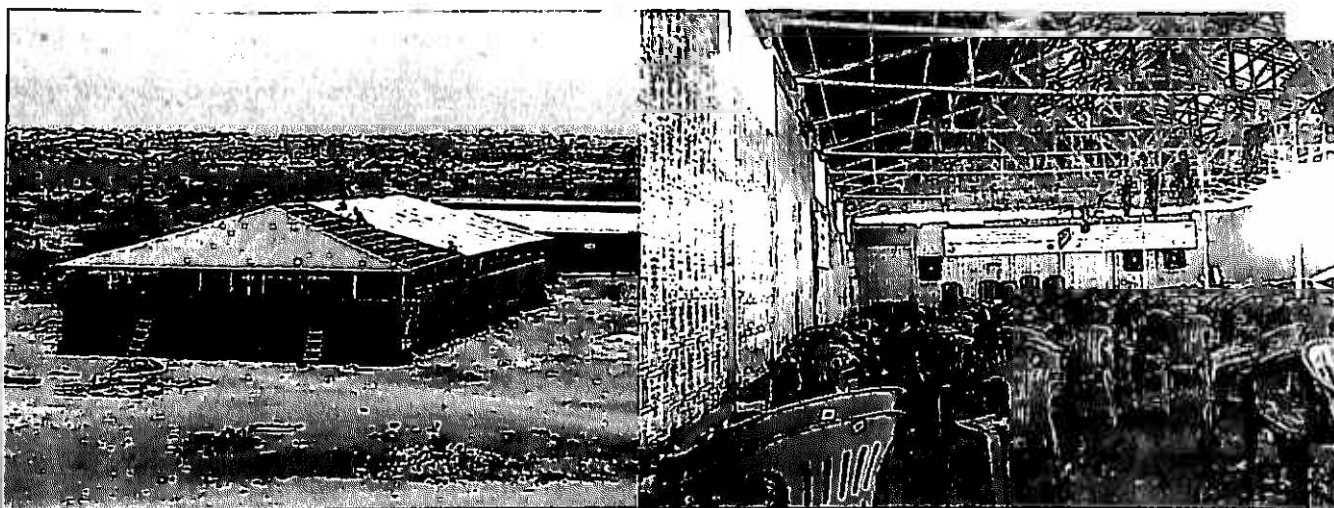
The Kismayu University delegates conference hall under construction funded by Jubbaland businessmen. Photo source: Radio Kismayu dated 24 February,2013

3.6.4 Women

Somali society suffers from long-standing inequalities. Women as a whole have been kept in an economically inferior position, and usually have not owned much capital on their own. This exclusion was upheld until 1991, despite the Somali government paying lip-service to social reform and equality. Women who remained had to enter the market

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[152] K. Menkhaus, (2011). Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.

[153] Saferworld. (2012). Mogadishu rising? Conflict and governance dynamics in the Somali capital. Saferworld.

[154] Oral interview, Abdirizak Shiekh Omar, member of Somali technical committee for creation of Jubbaland, 20 September 2014.

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in the absence of men, who frequently engaged in fighting, chewing narcotic khat or who had been maimed through the fighting or were mentally unstable. While women perform increasingly vital economic roles in Somalia and have become in many cases the family breadwinner, they still are excluded from political and economic positions. Women remain marginalized, despite some having achieved some level of economic and political power.[155] In the more remote areas such as in the countryside, local authorities, mostly elders, provide for legal order. In such contexts, the rights of women, children and local minority groups are frequently insufficiently guarded.[156]

In the formation of Jubbaland regional state, women played a greater role by mobilising the Diaspora Somali community to contribute money to fund the delegates' conference.[157]Women had played a significant role in the interim Jubbaland administration and the reconciliation conference in Kismayo (see photo below).

The Minister of Gender,Family affairs and human rights Ms Qamar Dek Khalif(right) and Vice chairperson of the Jubbaland reconciliation committee, Ms Batran Muhumad Abdulle (2ⁿᵈ right) address a women only reconciliation session during the Jubbaland reconciliation conference. Photo source: Radio Kismayo, dated 30 September,2014.

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[155] M. T. Wakengela, (2011). Keeping an elusive peace: AMISON and the quest for peace in Somalia. Pretoria: Institute for Security Studies.
[156]L. McKay, (2011). Piracy off the coast of Somalia. Pretoria: Institute for Security Studies.
[157] Oral interview, Amina Mohamed Gedi, Women participant during the creation of Jubbaland State, 28/09/2014.

3.7 Regional Actors

The Somalia conflict had sucked other actors who were outside the Somalia state boundary. The actors had suffered from the consequences of disorder in Somalia and therefore had played a key role in intervention. These players are discussed below;

3.7.1 Ethiopia

Ethiopia remains a central military and political player in contemporary Somalia. Ethiopia's relations with Somalia are primarily related to Ethiopia's domestic stability. For Addis Ababa, the potential spread of political Islam from Somalia represents a threat to stability and the political status quo in Ethiopia, which has a large minority Somali population. Ethiopia has also frequently suggested that Islamist and other groups in Somalia have provided, or hope to provide, support to irredentist rebel groups in Ethiopia, particularly in the Ogaden.[158]

Ethiopian incursions and interventions in Somalia have therefore largely been aimed at installing or bolstering 'friendly' national or local administrations opposed both to political Islam and to supporting separatist movements across the border. Ethiopia is consequently deeply unpopular among Somalis and a range of organisations linked to it, including AMISOM and the Somali Federal Government (SFG), have also become somewhat unpopular by association.[159]

A number of scholars have argued, however, that Addis Ababa is aware of the negative reputation it enjoys in Somalia and does not wish to remain militarily engaged. The Ethiopian National Defence Forces (ENDF) high command is reportedly split on the issue of disengagement at present (Expert comments). The ENDF leadership is clearly the key player in Ethiopia's involvement in Somalia since the death of long time Ethiopian leader Meles Zenawi in 2012. Where the ENDF has been labelled Meles' 'remote control army' by one scholar, its deference to Meles' successor, Hailemariam Desalegn, is far less clear. It has been suggested that Ethiopian politics is undergoing a

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[158]L. Hammond, (2013). Somalia rising: things are starting to change for the world's longest failed state. *Journal of Eastern African Studies,* 7(1), 183-193.
[159] Ibid.

transitional phase and that Hailemariam is acting as a 'regent' with limited authority over ENDF operations.[160]

3.7.2 Kenya

Kenyan involvement in Somalia has traditionally been diplomatic and political in nature. Nairobi played a prominent role in several rounds of regional mediation and government-formation efforts during the 2000s and hosted the Transitional Federal Government (TFG) until 2007, along with most Western embassies, UN agencies and International Non-Governmental Organisation (INGO) offices assigned to Somalia – many of which still remain in Nairobi today. The unilateral Kenya Defence Forces (KDF) intervention in October 2011 had dramatically altered this dispensation and Kenya became a major military as well as political player in the southern Somali state of Jubbaland. The Kenyan intervention responded to a range of attacks and kidnappings of Western tourists in northern Kenya believed to be committed by Al-Shabaab, although Nairobi had long seen the combination of insecurity and political Islam in southern Somalia as a threat to Kenya's stability. Scholars allege Kenya's government had had plans since at least 2008 to establish a friendly 'buffer state' in Jubbaland to address this concern. It was also suggested that Kenya entered Somalia in order to facilitate a more rapid return of hundreds of thousands of Somali refugees who had fled to Kenya in recent years.[161] Some analysts had criticised the real politik nature of Kenya's involvement in Somalia since 2011, although some positive developments had been achieved in Jubbaland in implementation of federalism and bringing the rule of law which will have a spill over effect to security in Kenya.[162]

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[160]HIPS. (2013). *TheKismaayo Crisis: Options for Compromise.* Policy Briefing, Issue 4. The Heritage Institute for Policy Studies.
[161] C. McEvoy, (2013). Shifting priorities: Kenya's changing approach to peacebuilding and peacemaking. Oslo: Norwegian Peacebuilding Resource Centre.
[162]A. Meleagrou-Hitchens, S. Maher, & J. Sheehan, (2012). Lights, Camera, Jihad: Al-Shabaab's Western Media Strategy. International Centre for the Study of Radicalisation and Political Violence (ICSR).

3.8 The African Union Mission in Somalia (AMISOM) Military Intervention

Collier co-authored a paper *The Security Challenge in Conflict-Prone Countries* (2008). In this paper it is stipulated that maintenance of peace is a prerequisite for any kind of development. Somalia situation was an example of a country stuck in the conflict trap.[163] "When Somalia collapsed into anarchy in 1993 it was allowed to remain without a government until when there was evidence that Al Qaida had found safe haven there. Small, impoverished societies tend to be structurally insecure: insecurity is a trap from which it is difficult to escape without assistance from beyond the society, although the intervention may come from neighbours, as in the end it did with Somalia, rather than from the developed world." [164] Recognizable viable government is the main objective of external military intervention and that the developed world should have intervened in Somalia early enough. Collier et al argue that military intervention needs to be tailored to fit the situation of the conflict-prone country and propose three military interventions: "The first is the automatic provision of powerful peacekeeping forces to protect government that came to power through certified democratic elections from the threat of rebellion during their period of office. The second is a similar protection against the threat of a coup d'etat. The third is for an over-the-horizon guarantee in post-conflict societies".[165]

The African Union Mission in Somalia (AMISOM) was dispatched in March 2007 tasked with protecting the Transitional Federal Government (TFG) in Mogadishu and its institutions. The AMISOM had been critical to defeating and driving Al-Shabaab from the areas it had established control and establish the Somali Government hold onto political authority. Scholars disagree over the level of local support for the operation, with some suggesting it is seen as an unwelcome and occasionally brutal Western 'Trojan horse' and others arguing that many Somalis are grateful to AMISOM for stabilising parts of the country. Most agree that AMISOM enjoys greater local support today than in previous years owing to the improved security situation in Somalia although its lack of a

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[163]P. Collier, (2007). Breaking the conflict trap: civil war and development policy. Washington, D.C.: World Bank.

[164]J. R. Bolton, (1994). Wrong turning in Somalia. Foreign Affairs, 73(1), 56-66.

[165]P. Collier, (2007). Breaking the conflict trap: civil war and development policy. Washington, D.C.: World Bank.

clear 'exit strategy' remains a concern for many.[166] AMISOM was comprised of troops from Uganda, Burundi, Kenya, Djiboutian, Sierra Leone and Ethiopia. [167] AMISOM was wholly dependent on Western funding and logistical support to carry out its mandate, with the US, EU, UK and France being key contributors.[168]

3.9 International NGOs and Aid Agencies

In recent years, most Western International NGOs (INGOs) have been forced to withdraw from south/central Somalia for logistical, legal and security reasons – the number of INGOs in the country has reduced from around 40 to 15 between 1995-2010. CARE left south/central Somalia in 2008 for security reasons, as did the World Food Programme (WFP) in 2010, the International Committee of the Red Cross and Save the Children in 2012 and Medecins Sans Frontieres (MSF) in 2013; these organisations have been increasingly forced to operate from Nairobi and to rely on local NGOs to deliver humanitarian aid by 'remote management'. The effect of these withdrawals on the Somali population has been varied but commentators agree that WFP's departure was particularly devastating during the 2011 famine and its aftermath.[169]

This flight of Western INGOs is primarily a result of targeting by Al-Shabaab as representatives of 'imperialist' US and Ethiopian interests, a state of affairs not helped by the prominence of US and other Western flags on many humanitarian aid parcels, and efforts by UN officials to incorporate INGO support into political processes in Mogadishu. Most INGOs managed to come to a de facto arrangement with Al-Shabaab during the later 2000s which allowed them to operate and provide some aid in Shabaab-held areas. This has been frustrated, however, since 2010 by legal restrictions placed upon the transfer of resources to and through terrorist organisations in Somalia by the US Government; WFP pulled out of Somalia in 2011 citing not only security concerns but "inability to meet donor obligations". These restrictions have been criticised by some

[166]Meleagrou-Hitchens, A., Maher, S., & Sheehan, J. (2012). Lights, Camera, Jihad: Al-Shabaab's Western Media Strategy. International Centre for the Study of Radicalisation and Political Violence (ICSR).
[167]HIPS. (2013). The Kismaayo Crisis: Options for Compromise. Policy Briefing, Issue 4. The Heritage Institute for Policy Studies.
[168]M. Bryden, (1999) New hope for Somalia: the building block approach. Review of African Political Economy, 26(79), 134-140.
[169] D. Anderson, (2012). Kenya's Somalia invasion: Local indications, regional implications. Presentation by Professor David Anderson, University of Oxford at the University of Birmingham.

commentators as preventing the delivery of vital humanitarian aid to Somalis under Al-Shabaab rule.[170]

A growing number of INGOs from Muslim majority states have become increasingly prominent as facilitators and providers of humanitarian aid. Not viewed or presented as US or Western 'puppets' by Al-Shabaab and other local Somali groups, these organisations have continued operating in much of south central Somalia while their Western counterparts have been forced to withdraw. The Organisation of Islamic Cooperation has become an increasingly important provider of humanitarian assistance to Somalia since the outbreak of famine in 2011 and is viewed by Somalis as a more culturally sensitive and sincere donor than most Western states and organisations.[171]

3.10 Intergovernmental Authority on Development (IGAD)

The Intergovernmental Authority on Development (IGAD) was originally a forum for dealing with issues related to drought and development, established by Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda in 1986. Today the organization can also be considered a security-political actor (Dokken 2008:19). IGAD played an important role in the Eldoret-Mbagathi Peace Process which started in October 2002 (Sabala 2011:100). The most important outcome of this process was the development and adoption of the Federal Charter which led to the formation of the Transitional Federal Government. Since 2002 IGAD had maintained a strong focus on Somalia, especially through the IGAD Office of the Facilitator for Somalia Peace and National Reconciliation. The main task of this political office had been to follow up the implementation of the Eldoret-Mbagathi Process. The office had dedicated itself to mobilize resources for the TFG and had sought to play a coordinating role.[172]

In 2012 IGAD developed a Grand Stabilization Plan for south-central Somalia. One of the central tasks of the plan was the establishment of local administration in Somalia

[170]HIPS. (2013). The Kismaayo Crisis: Options for Compromise. Policy Briefing, Issue 4. The Heritage Institute for Policy Studies.
[171]L. Hammond, (2013). Somalia rising: things are starting to change for the world's longest failed state. Journal of Eastern African Studies, 7(1), 183-193.
[172]K. Sabala, (2011). Regional and extra-regional inputs in promoting security in Somalia. Pretoria: Institute for Security Studies.

(IGAD 2013). An informant (D 17.01.2013) connected to IGAD describes Kenya and Ethiopia as dominating actors within IGAD with the potential of driving IGAD initiatives in the directions of their own benefits. This informant explained that after Kenya and Ethiopia entered Somalia with military forces in the region of Jubbaland, they needed an umbrella under which they could operate. They therefore adopted the IGAD Stabilization Plan, and developed a 'Jubbaland initiative' under it. "The Jubbaland initiative was technically led by IGAD, but practically led by Kenya and Ethiopia". Kenya and Ethiopia also took central positions in the forming of the Joint Committee which would drive the IGAD Stabilization Plan. Informant D mentioned several problems in this process. First, the committee was chaired by Kenyans and Ethiopians – and not by Somalis; second there were no other IGAD countries present; third the committee was dominated by representatives of Somali origins – who could be suspected to have clan interests; and forth on the Kenyan side the work was led by people from security agencies.[173]

The IGAD Chair of the council of foreign ministers facilitated the signing of the Addis Ababa agreement between the Somali Federal Government and the Jubbaland delegation.[174] The IGAD has facilitated the implementation of the articles contained in the Addis Ababa agreement. (See photo below).

IGAD special envoy to Somalia, Mr Mohamed Affey during the Jubbaland reconciliation conference.
Photo source: Radio Kismayo dated 16 September 2014

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[173]UNDP (2012).*Somalia Human Development Report: Empowering youth for peace and development.* United Nations Development Program Somalia, UNON.
[174] Agreement between the Somali Federal Government and Jubbaland delegation , signed on 27 Aug 14 at Addis Ababa, Ethiopia.

3.11 Conclusion

This chapter examined the Jubbaland success in peace building efforts by recognition and participation of the key actors. The Somali Federal Government, Jubbaland administration and Al Shabaab together with other militia groups were the armed political players. The chapter also established that there were other unarmed political players who were equally important in the formation of the 'building block' of Jubbaland. It was also discussed how the Grand stabilization plan initiated by IGAD and technically led by Kenya and Ethiopia had guided the Somali Federal Government to initiate the formation of other regional states which included South West state, Central State and others in formative stages. When the Somali Federal Government disputed the formation of Jubbaland regional state, the IGAD chair (Ethiopia) facilitated the signing of the Addis Ababa Agreement which specified the road map for forming an acceptable Jubbaland.

Jubbaland creation was an example of bottom up approach in line with the social contract theory. However, the creation of Jubbaland was faced with the challenge of religious and clan inclinations which made governance and loyalty biased. There was also the challenge of integrating the various armed militia who include the Jubbaland forces, Ahlu Sunna Wal-Jama forces and Barre Hirale forces. The chapter also noted the inclusion of civilians and women in the conflict resolution in Somalia.

CHAPTER FOUR

LESSONS IN JUBBALAND FORMATION THROUGH SOMALIA CONFLICT RESOLUTION CHALLENGES

4.1 Introduction

Rebuilding a country after conflict is about far more than repairing damaged buildings and re-establishing public institutions. Fundamentally, it is about rebuilding relationships at all levels, restoring the people's trust and confidence in governance systems and the rule of law, and providing the population with greater hope for the future. In Somalia, the threat of conflict re-merging is very real without broad and inclusive engagement of the Somali people.[175] The mediation efforts in Somalia had failed due to a couple of reasons which included conflicting regional and international interests.[176] However, subsequent interventions bore the fruits up to the establishment of the current Governance structures in Somalia.

4.2 Reasons for Previous Failed Mediation Efforts in Somalia

There is no consensus view on why external mediation efforts have borne so little fruit in Somalia over the past 18 years. Judgments rendered on the effectiveness of mediation efforts in Somalia are inextricably tied into broader debates over the intractability of Somalia's long crisis. The debate can be broken down into several schools of thought. These are not mutually exclusive, but rather differ in their emphasis on the causes of Somalia's protracted crisis.[177]

A growing problem in Somalia has been the identification of an appropriate and effective mediator. Many of the country's most eager to play the role of mediator are not seen as neutral inside Somalia, or have a history there which renders them suspect in the eyes of some Somalis. The UN itself has a controversial and difficult history in the country, eroding its potential to broker peace talks. Because the Somali crisis has increasingly reflected a divide between factions backed by African states versus those enjoying

[175]M. Bradbury, (2008). *Becoming Somaliland*. Oxford: James Currey.
[176]K. Menkhaus, (2011). *Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.*
[177]K. Menkhaus, and O. Luo, (1995). *Key decisions in the Somalia intervention. Georgetown University.*

backing in the Arab world, both the African Union and the League of Arab States are viewed as less than neutral on Somalia affairs. The regional organization IGAD is itself divided and viewed by many Somalis as dominated by Ethiopia and Kenya. When external actors have pursued competing agendas, Somali actors have exploited the divisions to engage in forum shopping.[178]

Most national reconciliation conferences convened on Somalia since 1991 had privileged the brokering of a power-sharing agreement for a transitional central government over actual conflict resolution. At their worst, some of the conferences had devolved into crude 'cake-cutting' exercises in which the agenda was reduced to allocation of cabinet positions by clan and faction. External mediators have been partly to blame, as they have been consistently tempted to use the revival of a central government as the yardstick of success rather than the less tangible, but equally important resolution of conflict. The one peace conference which systematically sought to promote reconciliation of key conflict issues as a precondition for power-sharing discussions – the 2003-04 Kenya peace process – met with frustration when Somali political rivals demonstrated no interest in addressing matters such as occupied land and stolen property. The result has been transitional governments of national unity which neither governed nor united.[179] The recently concluded Jubbaland reconciliation was not different as most participants were discussing more about 'power sharing' other than actual reconciliation issues.[180]

Mediating conflicts in a context of complete state collapse creates unique negotiation problems. The absence of the state removes a key actor and a political-legal framework that mediators are accustomed to working with; tends to result in highly fragmented and disputed representation; and means that reconciliation efforts must be twinned with daunting challenges of reviving collapsed state structures.[181]

[178] Ibid.
[179] M. Bradbury, (2008). *Becoming Somaliland.* Oxford: James Currey.
[180] Inter-clan discussion during the Jubbaland reconciliation conference,Kismayo,16/9/14-05/10/14.
[181] M. Bryden, (1991) New hope for Somalia: the building block approach. *Review of African Political Economy,* 26 (79), 134-140.

Other critics of external mediation in Somalia focus not on political will but on poor performance. UN and other mediators have been accused of bungling peace talks due to gross incompetence, weak capacity, lack of neutrality, conflicts of interest, insistence on inappropriate timeframes, and lack of understanding of Somali political culture. These were especially popular criticisms of UNOSOM mediation in 1993-94.[182]

Many observers, including some with first-hand diplomatic experience in Somalia, argue that the Somali crisis had constituted a series of missed opportunities for external mediators. Some emphasize the lack of international political will and interest in addressing Somalia. The UN comes under harsh criticism in some analyses for its inattention to Somalia in the early years of the crisis (1988-92), while the US is blamed for its unwillingness to address Somalia following the failed UNOSOM mission. Others focus on the lack of follow-through – the failure of external actors to provide timely, robust support to newly-declared transitional governments. This was a central feature of the debate in 2000 and 2001 between those who argued for a "wait and see" approach to the Transitional National Government(TNG) versus those who advocated immediate aid in order to "prime the pump" and build confidence in the fledging government. This latter view stresses that the months immediately following peace accords constitute a brief window of opportunity which is lost if external assistance is delayed.[183]

4.3 Competing Regional and International Interests in Somalia

Until 1995, the United Nations and United States were the leading players and sponsors in Somali national peace talks. The Organisation of African Unity had assigned Ethiopia the lead role in Somalia in 1993 and, after UNOSOM's mandate ended, Ethiopia started to play a much more active role. The diplomatic initiative passed to the so-called 'frontline states' of Kenya, Ethiopia, and Djibouti, under the reformed Intergovernmental Agency on Development (IGAD), whose mandate was revised in 1996 to include peace and security, thus giving the body a mandate to intervene in Somali affairs. The on-going engagement of regional states has been driven as much by their own security and

[182]K. Menkhaus, and O. Luo, (1995). *Key decisions in the Somalia intervention.* Georgetown University.
[183]K. Menkhaus, (2010). *Diplomacy in a failed state and International Mediation in Somalia.* Accord, issue 21,16-19.

economic interests than by the concern to end the Somalia's political turmoil, and divisions between these states has become an increasing hindrance to reconciliation in Somalia[184] . The Islamic states of Egypt, Libya and Yemen had also made periodic endeavours to broker settlements, again largely driven by geo-political and economic interests. The influence of competing regional and international interests in Somalia was illustrated by rival efforts in 1996 and 1997 to mediate an accord to establish Somali government at the Sodere and Cairo talks respectively.[185]

The policies of Ethiopia and Western governments shifted focus to what became known as the "building block approach" to state revival in Somalia, which envisaged the federation of regional governments. For a brief period this approach showed some promise. Driven by new conflict dynamics in the region (the war between Ethiopia and Eritrea from 1998-2000), Ethiopia actively developed alliances with Somali factions to shore up its own security and deny openings for Eritrea. In 1999 the Rahanweyn Resistance Army (RRA), backed by Ethiopian, took control of the southern regions of Bay and Bakool and established a regional administration with aspirations to extend its interests into Gedo and Lower Shabelle. The community-driven political processes and strong leadership produced a functional administration in Puntland.[186]

The "building block" approach was viewed with suspicion by clans which controlled the Mogadishu, the capital city and which believed a federal system would harm their interests. Some Somalis suspected it was a divisive ploy of Ethiopian regional policy designed to exacerbate clannish tensions among Somalis. The year 2000 saw a step change in international diplomatic efforts, when the Djibouti government, led by its new President Ismail Omar Guelleh, hosted the Somalia National Peace Conference in the small town of Arta. The process was endorsed by Egypt and the UN which engaged in its first modest mediation efforts since 1994. The 'Arta process', as it is commonly known,

[184] S. Healy, (2008). *Lost opportunities in the Horn of Africa: How conflicts connect and peace agreements unravel*, Chatham house.
[185]K. Menkhaus, (2011). Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.
[186]K. Menkhaus, H. Sheikh, S. Quinn, and I. Farah, (2009). *Somali civil society: peace-building in a collapsed state*. Boulder: Lynne Rienner Publishers.

achieved an important political breakthrough, producing a power-sharing agreement in August 2000 to establish a Transitional National Government (TNG), with a Transitional Charter for government, and a significant degree of national legitimacy. This was due, in part, to an innovative peace process that consulted with Somali society beyond the usual faction leaders, including clan elders, civic leaders and business people. It utilised the so-called '4.5 formula' developed in Sodere, introducing a system of fixed proportional representation of Somali clans in negotiations and in transitional governments. This allotted an equal number of places to each of the four major Somali clan-families with a half place allotted to minorities and women. The Arta conference also revived the notion of a unitary, rather than federal, state in Somalia.[187]

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

[187]W. Heinrich. (1997). *Building the peace: experiences and reflections of collaborative peacebuilding, the case of Somalia*. Life and Peace Institute.

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highlighted how the interests of neighbouring countries had become a hindrance to reconciliation in Somalia.[188]

4.4 Success in Mediation and State Building

Somalia is on the path of transformation from a failed to a fragile state. The success in mediation had resulted into creation of regional states 'building blocks' which according to Boas 'resemble a patchwork of semi-autonomous territories defined in whole or in part by clan affiliation, leading to a breakdown of the states of Somali'.[189] Bryden adds that what matters most is what cannot be shown on maps; the quality and legitimacy of national and sub-national leadership; the effectiveness of local administrative arrangements; the restoration of basic human rights and the rule of law; a social and political scale of values based on accommodation instead of aggression, compromise instead of coercion.[190] Puntland and Somaliland represent a success story in the creation of the regional states. Unlike Somaliland, Puntland does not aim at independence from Somalia, but instead sees itself as an independent territory within Somalia. Although Puntland and Somaliland (to a lesser extent) both have "governments," and thus more formal structure than the southern part of Somalia, these "states" remain weak at best. Neither "government," for instance, has exhibited the ability to raise significant revenue through taxation. Somaliland and Puntland also dispute territory along their border creating confusion about which entity governs what, and contributing to the stateless or quasi-stateless atmosphere in both.[191]

4.4.1 Somaliland

The most mature of the regional state of Somalia is the self-declared republic of Somaliland, which was established in 1991 following the victory of the guerrillas of the Somali National Movement (SNM) in their ten year struggle with the forces of the Siad Barre regime. On 18 May 1991, the SNM declared the dissolution of Somalia's 1960

[188]K. Menkhaus, and O. Luo, (1995). *Key decisions in the Somalia intervention.* Georgetown University.
[189] M. Boas, (2010).Returning to realities: a building-block approach to state and state-craft in eastern Congo and Somalia. *Conflict, Security and Development,* 10(4), 443-464.
[190] Bryden, M. (1999) New hope for Somalia: the building block approach. *Review of African Political Economy,* 26(79), 134-140.
[191] P. D. Little, (2003). *Somalia: economy without state.* Bloomington: Indiana University Press.

union and the restoration of Somaliland's sovereignty as an independent state. Unrecognized internationally and disparaged by southern Somali leadership, successive Somaliland governments have nevertheless presented articulate historical and legal arguments in support of their case, and have made considerable progress in establishing de facto administration throughout much of Somaliland territory.[192]

Somaliland's success can be attributed to a number of factors, not least the commitment of many Isaaq, to independence from Somalia. Historically, the separate development of the Northwest under British colonial rule and subsequent estrangement from the machinery of state power helped to foster a distinct sense of identity. In more recent times, the Isaaq experience of collective suffering at the hands of the state and the decade-long popular struggle of the SNM have combined to engender feelings of both political autonomy and economic self-reliance. The indifference of the international community and the constant challenge from the south have only served to heighten popular commitment to the symbol of their sovereignty: government, territory, and the vocabulary of nationhood.[193]

Nevertheless, large parts of Somaliland remain beyond the remit of functional administration, phenomenon which can be explained by a number of key factors. First, the relative poverty of the Somaliland administration does not permit institutional expansion; indeed government workers are severely underpaid, and most offices function on only a token budget. Second, allegiance to Somaliland is spread unevenly amongst the territory's various clan groups. A significant number of representatives from the eastern Harti clans have declared their loyalty to Puntland, Somaliland's recently groups share neither the Isaaq experience of persecution, exile and popular struggle, nor their enthusiasm for independence, and have thus tended to approach the problem of political

[192]M. Bryden, (1999) New hope for Somalia: the building block approach. *Review of African Political Economy*, 26(79), 134-140.
[193]D. K. Leonard, and M. S. Samantar, (2011). What does the Somalia experience teach us the social contract and the state. *Development and Change* 42(2), 559-584.

reconstruction with less conviction. Lastly, Isaaq within a primarily Isaaq state, a concern the Somaliland leadership have yet to address convincingly.[194]

Somaliland's commitment to independence from the rest of Somalia suggests that the label 'building block' may yet prove to be overly optimistic. Few Isaaq envision Somaliland within a larger Somalia, although the possibility remains the subject of discreet discussion in political and commercial circles. But Somaliland's unique success in retrieving *de facto* sovereignty, establishing the organs of government, and creating a climate for extraordinary economic growth in the absence of bilateral economic assistance is of tremendous exemplary value for those who would restore government to all or part of the former Somalia.[195]

Somaliland is the most stable region of Somalia. It held democratic elections as late as June 2010, which was internationally recognized as being fair and free, especially compared to other Sub-Saharan countries. The success of Somaliland is often attributed to the different influences of the colonial powers on the traditional structures. The period 1991-1993, deeply embedded social norms that helped set aside grievances and create a commitment to building consensus in Somaliland. From this view point, Somaliland is dominated by a consensus system, which is a form of majoritarianism.[196]

Somalia nation-building refers to the intangible aspects such as culture, norms, and traditional practices. This constitutes the basis of the formal institutions in Somaliland. This raises a discussion if Somaliland could function as a role model for the rest of Somalia. The differences in the cultures derived from the colonial heritage might lie heavily embedded in the different regions so that the rest of Somalia cannot use the experience of Somaliland.[197]

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[194]M. Boas, (2010). Returning to realities: a building-block approach to state and statecraft in Eastern Congo and Somalia. *Conflict, Security & Development*, 10(4).
[195] M. Boas, and K. M. Jennings, (2007). Filed states and state failure: threats or opportunities. *Globalization*, 4(40, 475-485.
[196] M. Wells, (2009). The emergence of a Somalia state: building peace from civil war in Somaliland. *African Affairs*, 108 (432), 371-389.
[197]M. Boas, (2010). Returning to Realities: A building-block Approach to State and Statecraft in Eastern Congo and Somalia. *Conflict, Security and Development*, 104(4),443-464.

Somaliland has made remarkable progress in its democratic transition, but its gain has mostly been ignored by the outside world as the international community still, at least officially, believes in a unitary Somali state. This has important consequences for Somali, it means that the Somaliland experience of constructing a governance system that combines traditional and western institutions is ignored. Whereas for Somaliland, the consequence is that its call for international support is ignored.[198]sustainable peace and democracy in Somaliland could constitute the background for a new building-block approach to state-building, in which first Puntland and then other parts of Somalia start operating hybrid governance systems based on new modes of governance developed on the basis of the Somaliland experience, whereas the opposite, example the spread of the Somali crisis also to Somaliland would mean the death of the only home-grown governance initiative that over time has given a part of Somalia peace, democracy and even modest economic growth.[199]

Since 2000, Somaliland has consolidated its state-building accomplishments in an impressive manner, attracting the attention of even hardened skeptics. It made an imperfect but successful transition from clan-based representation to multiparty democracy, holding local, presidential, and legislative elections; it resolved a disputed, extremely close presidential election without violence; and it executed a peaceful, constitutional transfer of power upon the death of President Mohamed Egal in 2002. In October 2005 the two opposition parties forged a coalition to gain control over the parliament, making Somaliland one of the only governments in Africa with "cohabitation" between rival parties in the executive and legislative branches - yet another example of democratic consolidation there. These accomplishments, juxtaposed with the ongoing armed conflicts and diplomatic impasse in the south of Somalia, have led a growing number of observers to call for exploration of some sort of recognition for Somaliland.[200]

[198]Boas (2010) Returning to Realities: A building-block Approach to State and Statecraft in Eastern Congo and Somalia. Conflict, *Security and Development*, 104(4),443-464.
[199]M. Bryden, (1999) New hope for Somalia: the building block approach. *Review of African Political Economy*, 26(79), 134-140.
[200]P. D Shinn,. (2003). *Somaliland: the little country that could.* CSIS Africa Notes, No. 9.

There is additional irony in Somaliland's ability to achieve so much by way of state building with no external recognition and with only modest, perhaps even incidental levels of external assistance. Somaliland serves as a reminder that external assistance may not be as central to the success or failure of state building as international organizations often presume. Some pro-Somaliland advocates actually fear the negative impact that too much external assistance may have on Somaliland. This will be an especially relevant concern in the event that Somaliland does receive some form of external recognition in the future.[201]

Regardless of Somaliland's ultimate political dispensation, however, its accomplishments in state building and reconciliation since 1991 serve as potentially valuable lessons for Somalia as a whole. Analysts are not in full agreement about the Somaliland state-building experiment. Some emphasize the critical role played by clan elders as peace builders, in demobilization, and in legitimizing the government. Others point to the leadership and experience of former President Egal as essential in consolidating Somaliland governance. Still others emphasize the role of the leading Isaaq businesspeople in financially supporting the Egal administration. Nearly all concur that the levels of economic recovery, peace, and public security that exist in Somaliland cannot be directly attributed to the existence of a formal state structure there. In some respects, these accomplishments have occurred despite, not because of, the Somaliland administration. What sets Somaliland apart from south-central Somalia is a very strong commitment by civil society to peace and rule of law, which serves as a strong deterrent to would-be criminals, warlords, and politicians tempted to exploit clan tensions from violating the basic rules of the game.[202]

4.4.2 Puntland

Puntland was founded on 1 July 1998 at a congress of representatives from Harti Daarod clans, the North-Eastern state of Puntland perceives itself, not as a secessionist polity like Somaliland, but as the cornerstone of a future federal Somalia. The long delay (7 years)

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[201] K. Menkhaus, (2007). The crisis in Somalia: tragedy in five acts. *African affairs*, 106(424), 357-390.
[202] Ibid.

in establishing an administration following the collapse of the Siad Barre government can be attributed to a number of factors, but it seems likely that the intervening years have served as a 'university' for the Majerteen leadership in much the same way that the liberation struggle did for the Somali National Movement(SNM) in Somaliland.[203]

Another contrast of Puntland with Somaliland, whose territory is based on historical precedent (its borders are those in existence at the moment of its independence from the British) is that the essence of Puntland's identity is kinship and its territory is consequently defined by the living space of the Harti clans. Although attractive to many, this Somalia version of ethnic federalism is not without its drawback. To the south it risks a confrontation with the Habar Gidir who contend that the living space claimed by the Harti infringes upon their own lands Mudug region and to the west it has the potential to generate dangerous tensions with Somaliland over the territory (Sool and Sanag regions) inhabited by the Harti sub-clans of Dhulbahante and Warsengeli who have declared support for Puntland.[204]

Puntland which is situated south of Somaliland has not produced the same kind of administration as Somaliland. But the Puntland region is more stable than south Somalia and seeds of an administration have been planted.[205]

4.4.3 Jubbaland

Jubbaland is a classic example of a 'building block' in the federal state of Somalia. It was established in accordance with the provisions of Article 46 of the 2012 Somalia constitution: "Based on a voluntary decision, two or more regions may merge to form a Federal Member State". Jubbaland had approved a draft charter in April 2013 recognizing the Somali Federal Government and envisaging the Jubbaland State government's responsibility to "participate in the creation of a Federal Somali Government founded on unity, co-operation and power sharing" as well as to encourage

[203]P. D. Little, (2003). *Somalia: economy without state.* Oxford: Bloomington.
[204]M. Ottaway, (2002). Rebuilding state institutions in collapsed states. *Development and Change,* 33(5), 1001-1023.
[205]T. Hagmann, and M. Hoehne, (2009). Failures of the state failure debate: evidence from the Somalia territories. *Journal of International Development,* 21(1), 42-57.

"unity of the people of Jubbaland and the larger Somalia" (Article 4). However, it is important to note that the charter drafts the borders of Jubbaland, without the work of the National Commission and the approval of the Lower House of the Somali Parliament, as required in the constitution. On the other hand, local elites found frustrating the slow pace of the political initiative in Mogadishu, and they decided to accelerate the process.
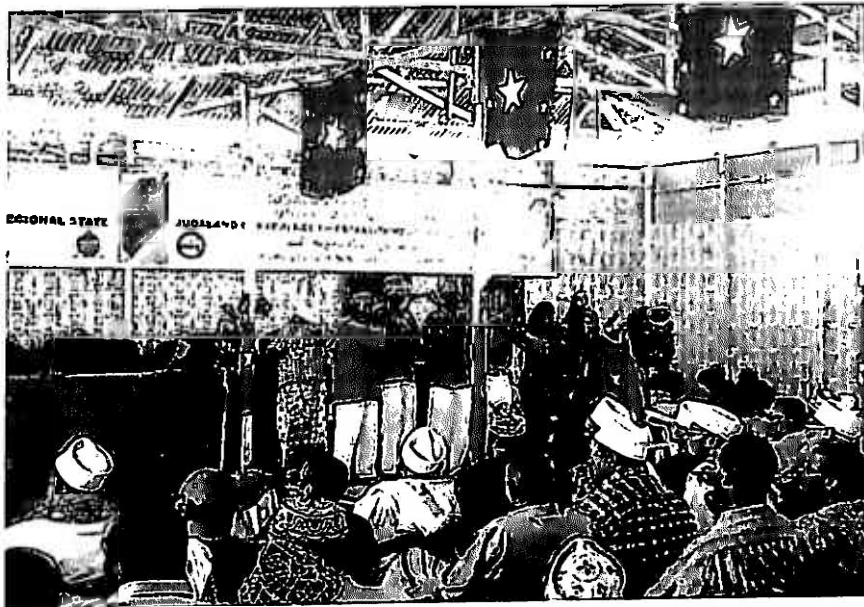
Jubbaland conference for establishment of regional state
Photo source: Radio Kismayu dated 02 April 2013
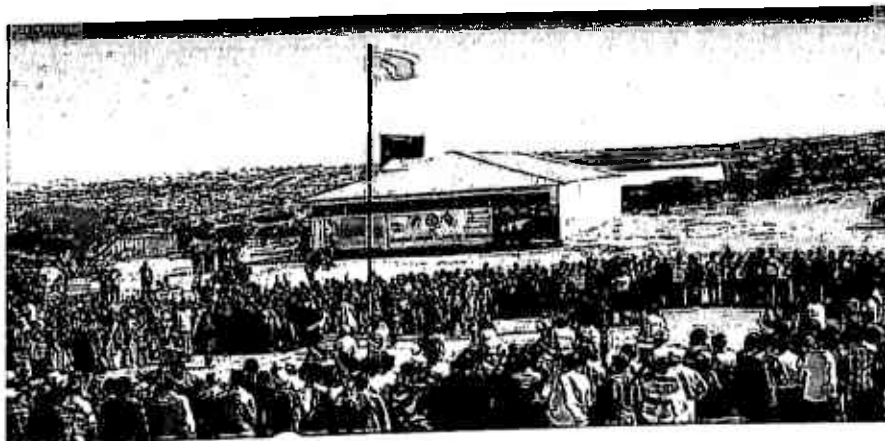
The State forming delegates hoisting the Jubbaland regional state flag in Kismayo, University. Photo source: Radio Kismayo, dated 04 April 2013

At one point, this legal anomaly could be a matter of discussion with the Somali Federal Government. To say the least, it is not a sound precedent for future developments of federalism in Somalia. In fact, until now Mogadishu has rather dampened enthusiasm: since the first steps towards the formation of the federal state of Jubbaland, at the central government level it was noted that the new-state would have "deprived" the federal government of the port of Kismayo, one of the most important strategic and economic centres of the long Somali coast: in the light of the uncertain definition of federalism, the loss of Kismayo sounded like a mortgage on the future. Mogadishu had substantially failed to negotiate a consensus in the Jubbaland affair; the federal leadership had definitely failed the test and signs were out there that federalism, as conceived now, was not universally accepted as governmental arrangement among the Somalis. President Hassan Sheikh Mahmoud and Prime Minister Dr Abdi Farah Shirdon did not appreciate Jubbaland's initiative, to the point that the latter had declared "unconstitutional" the convention of delegates who met to craft the state, since the federal government was not involved to the desired extent. Still, Jubbaland counted on the informal support of IGAD and of neighbouring Ethiopia and Kenya (which would welcome the formation of a buffer state as a defence against criminal organisations based in Somalia).[206]

The dispute between the Somali Federal Government and the newly created Jubbaland regional states aggravated until both parties signed the Addis Ababa agreement[207]

4.4.3.1 The Addis Ababa Agreement

The Somali federal Government wanted to assert its authority that it was the sole representative of the Sovereign Somalia and should lead any process of creating regional states in Somalia. The agreement specified four articles;

Article 1: Establishment of an interim Jubbaland administration

Article 2: Management of the federal institutions and infrastructure

Article 3: Management of security forces and militia integration

Article 4: Reconciliation and confidence building.

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[206] A. I. Samatar, (1992). Destruction of state and society in Somalia: beyond the tribal convention. *The Journal of Modern African Studies*, 30(4), 625-641.
[207] The Agreement between the Federal Government of Somalia and Jubbaland delegation dated 27 August 2013, signed at Addis Ababa, Ethiopia.

The article 4 had been implemented fully as it stated that the Somali Federal Government would organize and convene a reconciliation conference in Mogadishu and a follow-up conference in Kismayo. The Mogadishu reconciliation conference was held in November 2013 and the Kismayo reconciliation conference was held between 16 September 2014 up to 05 October 2014 and was opened by the president of the Somali Federal Government, H.E Hassan Sheikh Mohamud(see photo below).
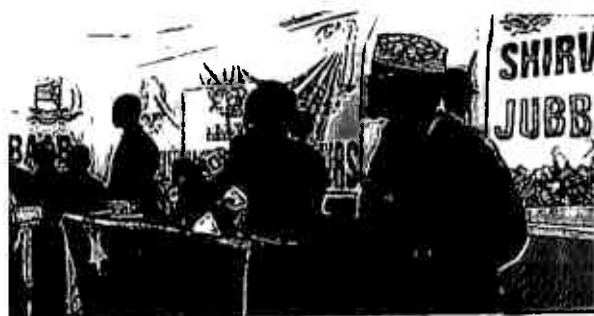
The President of the SFG, H.E. Hassan Sheikh Mohamud and Leader of IIA, H.E.Ahmed Madobe opening Jubbaland reconciliation conference in Kismayo on 16 September 2014
Photo source: Radio Kismayo

The participants in the reconciliation conference emphasized more to be given equitable power share when article 1 will be implemented. The Article 1(establishment of administration) often was discussed in the forum for article 4.[208]

4.4.4 Formation of Other Somalia Regional States

In addition to forming Jubbaland regional states, the Somalia Federal Government (SFG) had set a goal to create other regional states in South Central Somalia by 2016. The SFG had created Southwest state, Central state while other regions like Hiiran, Galgaduud, part of Mudug and Middle Shebelle were yet to form themselves into regional state(s)[209]

4.5 State Building

Somalia had been without a functional central government, making it the longest-running instance of complete state collapse in postcolonial history.[210] Somalia is not, however,

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[208] The inter-clan discussion mostly emphasized on power sharing than reconciliation as they claimed peace will depend on equitable share of power and inclusivity.
[209] Somali Current newspaper by Ahmed Said dated 28 July 2014.
[210] K. Menkhaus, (2007). The crisis in Somalia: tragedy in five acts. *African affairs*, 106(424), 357-390.

merely a repository of lessons learned on how not to pursue state building. In some respects, it is at the forefront of a poorly understood trend - the rise of informal systems of adaptation, security, and governance in response to the prolonged absence of a central government. This development is being driven by the evolving role of coalitions of business groups, traditional authorities, and civic groups in promoting more "organic" forms of public order and rule of law. Whether the informal mosaic of local authorities and coping mechanisms that had emerged in Somalia constitutes nascent state building is debatable. But the repeated failure of top-down efforts to revive Somalia's central government must not obscure the significant success of governance-building efforts within some local Somali communities.[211]

State building will continue to be a conflict-producing exercise, due to the zero-sum view most Somali political actors have of control of the state. State building and peace building can work against each other in the short term. State building in Somalia has consistently been pursued via power sharing accords without serious attempts at reconciliation of issues such as territorial occupation and conquest in southern Somalia. This may partially account for the high failure rate of these accords.[212] A major obstacle to state building in Somalia is the extremely modest revenues that a government can secure from taxes. Most efforts at state revival have relied on external sources of funding, which have been unpredictable and unsustainable. Externally funded state building has also created a disincentive to govern, reduced government accountability to the Somali people, and tended to promote unrealistically expansive, patronage-based visions of the state that are out of line with Somalia's very weak tax base. Barring a major discovery of energy reserves or other windfall profit to the state, in the near term a successful state structure in Somalia will have to be minimalist in size and mandate, and will hence not be an especially useful tool of political patronage. Consensus building, rather than mere

[211]D. Rawson, (1993). *The Somali state and foreign aid.* Washington, DC: Foreign Service Institute, U.S Department of State .
[212]M. Bryden, (1999) New hope for Somalia: the building block approach. *Review of African Political Economy,* 26(79), 134-140.

purchasing of political allegiance and co-opting of rivals, will be required to hold the state together.[213]

Finally, given that existing informal and local systems of governance have enjoyed real success, and that a central government will necessarily have to be minimalist in the roles it assumes, the most promising formula for success in state building in Somalia is some form of a "mediated state" in which the government relies on partnership (or at least coexistence) with a diverse range of local intermediaries and rival sources of authority to provide core functions of public security, justice, and conflict management in much of the country. This model for governance is already an unspoken practice in much of the Horn of Africa, where weak states are at pains to control their remote hinterlands and find it easier to partner with, co-opt, or subcontract to whatever local non-state authorities they can find. Mediated states are intrinsically messy, contradictory, illiberal, and constantly renegotiated deals - not ideal choices for governments, but often the best of bad options for weak states. Whether this mediated state formula becomes an enduring part of the Somali political landscape or is merely a necessary transitional phase toward consolidation of formal state authority remains to be seen.[214]

It was increasingly absurd for the international community to refuse to grant juridical sovereignty to Somaliland state that had established empirical sovereignty on the ground, while granting recognition to a Government in Mogadishu that was unable to exercise authority over more than a few neighbourhoods in the capital. Opponents of Somaliland secession hotly dispute the extent of the political accomplishments made by the unrecognized separatist state, claim that only a national referendum would give Somaliland the legal right to secede, and argue that external recognition of secession there would have far-reaching and negative consequences across much of Africa.[215]

[213] D. Rawson, (1993). *The Somali state and foreign aid.* Washington, DC: Foreign Service Institute, U.S Department of State .
[214] D. H. Shinn, (2002). *Somaliland: the little country that could.* CSIS Africa notes, no. 66.
[215] A. Le Sage, (2002). Somalia: sovereign disguise for a Mogadishu mafia. *Review of African political economy,* 29(91), 130-147.

4.6 Conclusion

This chapter explores the lessons to be learnt from the Jubbaland formation success through challenges to conflict resolution in Somalia. It was noted that the Somali populations had lost the public trust and confidence in governance structures since the collapse of the Siad Barre Government. The international and regional communities had initiated various mediation efforts in Somalia which were self-defeating due to competing interests. However with the weakening of the Islamic states influence in Somalia, the Western backed federalism took root in which regional states were being created which include Jubbaland among others. Puntland and the self-declared Somaliland provided a yardstick on how to form regional states. Jubbaland formation had the Federal Government involvement and without the competing interests of the regional and international players.

The greatest challenge for the Somali Federal Government was to ensure that the Somali state building restored the public confidence in state institutions. Inclusion of informal governance systems developed during the collapsed state will be important to ensure the remote hinterlands were adequately reached as the Government was still weak and lacking in resources.

CHAPTER FIVE

BENEFITS OF A POLITICALLY STABLE SOMALIA TO KENYA

5.1 Introduction

Before the collapse of the state of Somalia, Somalia had one of the most stable economy and advanced military in Africa. Due to its strategic location to the Middle East, it was always courted by both USA and USSR. Somalia having the longest coastline in Africa was able to utilise it for Maritime purposes. After the Ogaden war, the Somali Government was able to host its Somali refugees from the Ogaden region. Somalia was a member of international community and contributing to the affairs of the world.

The fall of the State of Somalia saw exodus of populations from Somalia into Kenya and other countries. The beautiful Somali coastline became a piracy front. Terrorist groups like Al Qaeda got a safe haven in Somalia. The economic collapse in Somalia had a ripple effect on Kenya and other countries neighboring Somalia. The collapse of the security sector saw proliferation of once Government owned arms into the hands of armed civilian groups.

The instability which had plagued the Kenya-Somalia border area and now the whole country was as a result of the complex pattern of state failure and systemic violence afflicting Somalia.[216] The Kenyan security and economic sectors were adversely affected while witnessing increased cross-border resource based conflicts. Kenya developed a desired end-state in assisting Somalia which would ultimately result in repatriation of Somali refugees.

5.2 Kenyan Security Sector

Kenya had suffered immensely under the menace of Al Shabaab terrorist group which had its base in Somalia. The Al Shabaab had turned Kenya into a recruitment ground and also transit country for other recruits from other countries. The planning of major terrorists attacks in Kenya including the 1998 American embassy bombing, 2001 Kikambala hotel bombing and the September 2013 Westgate terrorist attack in Nairobi

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[216] R. Pkalya (2003). *Conflict in Northern Kenya.* Nairobi: Greenwood Press.

were all planned in Somalia. Kenya-Somalia border area remains chronically insecure.[217] The porous border provided the terrorists with easy entrance into Kenya and escape back to Somalia which was a major concern for western counter-terrorism partners.[218]

Kenya's approach to building sustainable security would involve having partnership with players who possess knowledge of the local causes of conflict and who are also stakeholders in promoting peace[219] However, the partnership with local players and that involving aid agencies should take into account the perception that can be developed by hostile elements especially when counter terrorism element is involved.[220] Jubbaland regional state of Somalia will be weak to tackle the security challenge posed by hostile elements in Somalia. Hence, security partnership between Kenya and Somalia will be necessary while strengthening the Kenyan local county administration and the local intermediaries in Somalia to help govern the remote frontier zones to help build state capacity to govern the hinterlands[221]

The United Nations (UN), African Union (AU), the United States (US), and Ethiopia had largely failed to stabilize Somalia over the years, yet the spectre of defeat did not dissuade Kenya from pursuing a similar course of military action. True or not, Kenya believed that it came with a legitimacy that had been lacking in past interventions, as it was a friendly neighbouring country with an intimate understanding of Somalia's clan dynamics. In addition to having its own ethnic Somali population, Kenya had hosted nearly half a million Somali refugees along its border with Somalia and in the suburbs of Nairobi. Furthermore, Kenya lacked the historical antagonism that had plagued Somalia's relationship with Ethiopia, which may make the local population less hostile to Kenyan efforts to stabilize Somalia.[222]

[217] Ibid.
[218] L. Casanelli, (1982). *The shaping of Somali society*. Philadelphia: University
[219] Walker, R. and Omar, H. G. (2002). *Pastoralists under pressure: the politics of sedentarisation in Wajir District, Northeast Kenya*. Nairobi: Oxfam-G.B.
[220] R. Walker, and H. G. Omar, (2002). *Pastoralists under pressure: the politics of sedentarisation in Wajir District, Northeast Kenya*. Nairobi: Oxfam-G.B.
[221] Q. H. Farah, (2011). Political revolution in Somalia. *Socio-Political*, 1, 17.
[222] UN Security Council (2011). Report of the monitoring group on Somalia and Kenya pursuant to security council resolution. www.un.org/ga/search/view_doc.asy.

The Kenya Defence Forces (KDF) advanced into southern Somalia which forms the current Jubbaland state of Somalia, while determining how best to dismantle al-Shabaab—which was the stated goal of its operations. The option(s) that Kenya pursued could include attempts to counter-radicalize or otherwise co-opt insurgents via political or economic means; pursue, then capture or kill more hardline al-Shabaab members; or being satisfied with clearing Al-Shabaab from southern Somalia, simply allow the militants to disperse to the north so they can regroup to fight another day. Failure to counter-radicalize, capture, or kill the majority of Al-Shabaab members during the course of its operations in Somalia, could give no guarantee that its Northern border will remain secure from attacks by remnants of the militant group.[223]

The desired end state for AMISOM who represented the international community was to eliminate the threat posed by Al Shabaab who had declared allegiance to Al Qaeda to extend terror to the rest of the world. The international community through the AMISOM funded the KDF military budget to consolidate the gains of defeating Al Shabaab and provide a conducive environment for establishing sustainable governance in Somalia.[224]

The defeat of Al Shabaab and creation of friendly Jubbaland regional state of Somalia would help Kenya secure Garissa, Wajir and Mandera counties who were hotspots for inter-clan wars with supply of arms and fighters from Somalia.[225]

5.3 Kenyan Economic Sector

Economically, the Kenya-Somali border area has remained badly impoverished and underdeveloped. Economic gains made in the cross-border trade have directly benefited businessmen based in Nairobi and Mogadishu. Still, the transit trade has generated significant levels of employment and small business opportunities for petty traders and

[223] M. Onyiego, (2011). *Somalia transitional roadmap ambitious: analyst skeptical.* Nairobi: Mews/Africa.
[224] UN Security Council (2011).
[225] The Standard Digital News dated 23 June 2014.

others in the transport, hospitality, and other service sectors in border region towns. The impressive growth of Garissa, Kenya is due in large part to the trade through Somalia.[226]

Kismayo port city is much better placed to serve as the main entry point for transit trade from Somalia into Northern Kenya. It possesses the only functioning all-weather seaport in southern Somalia. It can serve the Northern Kenya conveniently than the Mombasa port. Since the fall of Siad Barre Government, Kismayo had been chronically contested and the centre of conflict between competing militia. The high levels of banditry and poor roads had made the Northern Kenya and Southern Somalia miss out on expanding transit commercial trade.[227]

The border area is relatively lightly populated. The Northern Kenya has a population density of only 5 persons per square kilometre and hosting a total population estimated at 600,000 in 1993. In the Somali regions of Gedo, Middle Jubba, and Lower Jubba, the total population is unlikely to exceed 600,000 as most of the population were displaced into the refugee camps. The Kismayo port city is the largest urban area on the Somali side of the border, with a variable population, usually in the range of 50,000 to 80,000 other towns with populations over 10,000 include Bardhere, Luuq, and Beled Hawa (also referred to as Bulo Hawa), all in Gedo region. Significant urban growth in these Somali regions has occurred in Beled Hawa and to a lesser extent Bardhere.[228]

The southern border area is distinct from the northern border zone in a number of important respects. It is inhabited principally by a single Somali clan-family, the Absame (of which the Ogaden clan is the largest lineage in the area); it is generally cattle rangeland.[229] The profitability of cross-border cattle trade from the Lower Jubba valley into Kenya is increasingly a central pillar of the Absame economy, and one which

[226] P. Goldsmith, (1997). *Trade, conflict and security on northern Kenya's highland-lowland interface.* Isiolo, Kenya: Appeal-Kenya.
[227] R. Walker, and H. G. Omar, (2002). Pastoralists under pressure: the politics of sedentarisation in Wajir District, Northeast Kenya. Nairobi: Oxfam-G.B.
[228] J. Kloop, (2002). Can moral ethnicity trump political tribalism: the struggle for land and nation in Kenya. African studies, 61(2), 8-17.
[229] P. Goldsmith, (1997). Trade, conflict and security on northern Kenya's highland-lowland interface. Isiolo, Kenya: Appeal-Kenya.

requires a modicum of border security and peace. Dadaab refugee camp was a source of remittances and food distribution hence producing commercial opportunities for the region which was increasingly integrated into the local economy.[230]

5.4 Cross-Border Resource Based Conflicts

The level of poverty, unemployment, and underdevelopment in the Kenya-Somalia border is among the highest in the country and is a major contributor to crime, insecurity, and alienation. Environmental degradation of rangelands contributes to increased communal competition and pastoral conflicts over water and rangeland. The movement of nomads in search of water and grass contributes to periodic clashes between clans. Competition over new and growing urban settlements is a more immediate driver of conflict in the Kenya-Somalia border area. Towns and villages are important sites of trade and aid. On the Kenyan side of the border "locations" serve as seats of local government, conferring upon those who control them paid positions as chiefs and assistant chiefs and control over local patronage.[231]

Dramatic expansion of cross-border commerce from Somalia into Kenya has had a variable effect on conflict, at time serving as a force for cross-clan collaboration and basic security and at other times producing conflict over control of key trade routes. Competing clans increasingly view control over locations not merely in administrative terms but as a means for establishing exclusionary zones within which they can evict or block other clans from access to pasture and business activities. The result is misuse of locations to engage in localized ethnic cleansing, which in turn greatly increases the political stakes for control over locations.[232]

The fact that the dominant Somali clan in the southern border area – the Absame – are stakeholders in Kenyan national politics as well as Somali national politics may be having an ameliorating effect on regional politics. Politically-driven clashes in the Lower

[230] Ibid.
[231] R. Pkalya, (2003). Conflict in Northern Kenya. Nairobi: Greenwood Press.
[232] E. K. Mburugu, and M. Hussein, (2002). Enhancing better natural resource use to prevent conflict among pastoralists communities in Kenya. Nairobi: Oxfam GB.

and Middle Jubba involving the Absame are much fewer today than is the case with the Marehan in Gedo region, in part because the Absame are increasingly focusing their energies on politics. Unlike the Marehan in Gedo region and most other Somali clans, the Absame are stakeholders in Kenyan politics than in Somalia itself.[233]

The transit trade across the Kenya-Somalia border has a complex relationship to peace and conflict. In some instances – El Wak, Bulo Hawa, Dobley, and Kismayo -- it has at times been a source of tension and armed clashes. This is mainly due to the fact that the new cross-border commerce has introduced a new and lucrative new source of livelihoods and wealth in a zone of extreme economic scarcity. The specific aspects of commerce which have tended to serve as an item over which groups fight include control over border crossings, where tax revenue can be collected; business partnerships with wealthy traders in Mogadishu, who intentionally play local groups off one another for their own gain; and competition for contracts, especially with international aid agencies. A handful of wealthy businessmen profit from and may be complicit in prolonging humanitarian crises, due to their long-running service to aid agencies transporting food aid. In several instances – especially in Kenya – businesspeople have opted to exploit the exclusionist impulse in locations to drive rival businesses out of the area. In the case of Kismayo, control of the seaport has been a major source of revenue for both the militias controlling it and the businessmen importing sugar and weapons and exporting charcoal.[234]

As in Kenya's border areas, precisely how a formal, "top-down" state structure can and should co-exist with existing practices and structures of informal governance would be a matter for Somali authorities to work out, town by town, district by district. The result would be quite complex and, from a state-building perspective, invariably "messy," with a wide range of parallel, overlapping, and in some cases contested political authorities. External actors tasked with supporting state-building in Somalia would simply not be

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[233] R. Walker, and H. G. Omar, (2002). *Pastoralists under pressure: the politics of sedentarisation in Wajir District, Northeast Kenya.* Nairobi: Oxfam-G.B.
[234] K. Menkhaus, (2011). Somalia and the Horn of Africa. World Development Report 2011 Background Case Study.

able to import fixed state-building project templates, could not insist on standardized judicial and other systems, and would have to learn to work with local polities in Somalia on their own terms, rather than attempt to transform them into images in their own likeness. That level of programmatic flexibility and local knowledge has not been a strong suit of international aid agencies in the past.[235]

In the Southern Somalia, local communities have paid close attention to the emerging form of mediated governance in northern Kenya and have actively sought to emulate it, creating local peace committees in border towns. Some of this is little more than a fishing expedition for expected external assistance, but much of it appears to reflect a bona fide hope that the kinds of umbrella-group efforts which have succeeded in Wajir and Mandera can help communities on the Somali side of the border better manage both local and cross-border conflict. External support to these initiatives must exercise care – in the complete absence of a state, local power struggles are endemic and foreigners are easily exploited and drawn into conflicts. Direct provision of financial support or other highly "liquid" resources are most likely to produce conflicts. But with close knowledge of the communities in question and due diligence, external actors could help to provide training and other support to these promising sources of local governance. To the extent that mediated governance in northern Kenya serves as a model and inspiration for trans-Jubba Somalia, a new and more constructive form of "spillover" can help counterbalance the negative spillover of war, crime, and arms flows which have defined the border area for years.[236]

5.5 The Desired End-State for Somalia

Al-Shabaab was just one symptom of Somalia's instability; therefore, dismantling the group would not necessarily eliminate the many threats flowing over the Kenya-Somalia border. Considering the range of threats that had continued to emanate from Somalia over the past two decades, it was actually stability that was Kenya's desired end-state in Somalia—not simply the demise of Al-Shabaab. If KDF operations were intended to be a

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[235] S. Brown, (2002). *Quiet diplomacy and ethnic clashes in Kenya.* Goulder: Lynne Reinner.
[236] M. I. Farah, (1993). *From ethnic response to clan identity: a study of state penetration of Somali nomadic society of northern Kenya.* Uppsala, Sweden: University of Uppsala.

means by which Kenya can realize its desired end-state, the country was to ultimately address Somalia's other sources of instability that were not directly related to Al-Shabaab. Kenya had signed on for a mission that had the potential to be much broader in scope and duration. The Kenyan military had expected to work with the humanitarian agencies to lay the foundation for sustainable stabilization for Somalia. [237]

Despite Kenya joining the international community in the fight against terror in Somalia, there had been speculation that Kenya supported the establishment of a buffer zone in southern Somalia, in a region referred to as Jubbaland or Azania. The fear was that Somalia would continue to break apart, as previously evidenced by Somaliland, which declared independence in 1991, and Puntland and Galmudug, which declared autonomy in 1998 and 2006, respectively.[238]

Kenya has a responsibility to support establishment of locally accepted governance structures. Somalia's best hope for state revival may lie in the explicit pursuit of a state in which a central government with very limited power relies on a diverse range of local authorities to execute core functions of government and "mediate" relations between local communities and the state. The nascent central state limits itself to a few essential competencies not already provided by local, private sector, or voluntary sector actors. For their part, local mediators gain recognition from the state by effectively providing core functions of public security or other services demanded by local communities, and earning legitimacy as a result.[239]

Currently, the Somalia's informal systems of governance had generally been accorded little or no role in external efforts to revive a conventional state. The accepted, unspoken wisdom had been that these local systems of governance were of little significance, mere variations on a broader theme of anarchy. They are viewed as short-term coping

[237] M. Onyiego, (2011). *Somalia transitional roadmap ambitious: analyst skeptical.* Nairobi: Mews/Africa.
[238] K. Houreld, (2011). *Kenya army: some villagers need food aid.* Nairobi: Associated Press.
[239] J. Kloop, (2002). Can moral ethnicity trump political tribalism: the struggle for land and nation in Kenya. *African studies*, 61(2), 8-17.

mechanisms to be replaced by formal state authority once the elusive state-building project succeeds.[240]

Documented evidence from northern Kenya showed the government-civic partnership had unquestionably produced impressive gains in public security and conflict management. Such practices can be adopted in Somalia local authorities. However, the application of the customary law above the laws of the state by non-state actors, in which collective responsibility is privileged over individual rights and responsibilities and in which not all are equal before the law is a serious erosion of civil liberties, human rights, and rule of law. It is also illegal and extra-constitutional. The Government of Kenya cannot support Somali local authorities abating violation of human rights.[241]

According to Mburugu and Hussein, Somali leaders had been insisting on creating the central state structure due to desperate desire to revive an expansive patronage system and build a capacity for repression – the only means of securing political control they have ever known and which was simply untenable for the near future.[242]

5.5.1 Repatriation of Somali Refugees

The Governments of Kenya and Somalia together with the United Nations High Commissioner for Refugees (UNHCR) signed the tripartite agreement on voluntary repatriation of Somali refugees living in Kenya[243]. Alessandra Morelli, the UNHCR representative for Somalia stated, "No- one wants to see refugees go home and have to flee again, or become displaced inside Somalia." The BBC World Service Africa editor, Richard Hamilton analysed the refugee situation as: Somalia is still not safe. Most of the refugees know that and nobody would want to return. They also think that the Somali Government could not provide them with food, healthcare and education they currently receive in the refugee camps.

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[240] L. Casanelli, (1982). *The shaping of Somali society.* Philadelphia: University.
[241] R. Pkalya (2003). *Conflict in Northern Kenya.* Nairobi: Greenwood Press.
[242] E. K. Mburugu, and M. Hussein, (2002). *Enhancing better natural resource use to prevent conflict among pastoralists communities in Kenya.* Nairobi: Oxfam GB.
[243] Tripartite Agreement between the Government of Kenya, the Government of Somalia and United Nations High Commissioner for Refugees, dated 10 November,2013.

The Kenya Government has an interest in facilitating the safe return of Somali refugees back to Somalia. Kenyan partnership with Jubbaland regional state of Somalia by supporting the capacity building for the formed institutions would create sustainable safe environment for the return of refugees.

5.6 Conclusion

The desired end-state for all players in Somalia conflict including Kenya was to have a stable Somalia. Since independence the Northern Kenya had remained under-developed due to recurring insecurity phenomena which had culminated in terrorist attacks emanating from Somalia. Garissa, Wajir and Mandera counties had turned to be 'war zones' due to availability of arms and fighters from Somalia. Competition for scarce resources ignited ethnic conflicts as well as scramble for political dominance. Coupled with the refugee challenge, Kenya had born the greatest weight of the Somalia state collapse.

CHAPTER SIX
CONCLUSION

6.1 Introduction

This chapter sought to review the findings of the research's attempt to investigate the 'building blocks' approach to the stabilization effort in Somalia through Jubbaland as a case study. It also analyzed the findings on the objectives that the research attempted to address namely; examining the Jubbaland's success story; secondly, examining the lessons to be learnt by the entire Somalia from the Jubbaland example; and finally, examining the benefits of a stable Somalia to Kenya. The chapter also sought to critically examine whether the hypotheses of the research had been confirmed or infirmed.

6.2 Research Findings

The international actors were divided in interests and approach towards stabilizing Somalia; this was the reason why it had taken more than two decades to have a semblance of Governance in Somalia. The Somali political actors exploited the divisions to engage in forum shopping.[244] Currently, Somalia was slowly moving from a 'failed state' status with the Somali Federal Government (SFG) generating very few of its own resources, and with entrenched clans and clannism in control of the means of revenue generation, the state needed continued support. The international community was supporting Somalia's stabilization through nation-wide negotiations on the type of federalism that the SFG could implement while accommodating the centralists, federalists and clans' interests. The current Somali Federal Government (SFG) was putting effort in creating regional states (federal states) which were referred to as 'building blocks' in this research.

Siad Barre promoted clannism. The same clannism brought down his government when clan based armed groups rebelled against his rule. The current Somali Government is still trapped into the Hawiye clan, the Darod clan, the Dir clan, and the Isaaq or Rahanweyn clan power sharing formula. The leaders nurture and promote clannism believing that it

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[244]K. Menkhaus, and O. Luo, (1995). Key decisions in the Somalia intervention. Georgetown University.

represents a better means by which they can secure their own personal interests.[245]This makes clans concentrate on power sharing other than dealing with outstanding reconciliation issues. On the contrary, the Al Shabaab had managed to defeat clannism while promoting the religious ideology as a unifying factor.

The Somali conflict brought killings, displacement of populations, loss of land and property. The displaced went as refugees and others became IDPs. The Somali Bantus and other minority groups suffered most as they were displaced from the fertile Jubba river valley by armed militias from other clans. Kenya was hosting a large number of refugees and recently the Government of Kenya and Somalia together with the United Nations High Commissioner for Refugees (UNHCR) signed a tripartite agreement on voluntary return of Somali refugees back to Somalia. The reconciliation conferences being held in Somalia fail to address the outstanding issues of killings, grabbed land and houses as well as stolen property. The challenge was, who was to take responsibility for the atrocities committed?

The Mbagathi conference in 2002 was the birth of the transitional federal charter which laid the foundation of the current federalism in Somalia. The Mogadishu based clans and Islamists were not in support of it as they argued it represented the interest of the 'imperial west represented by Ethiopia'. The formation of Puntland and self-declared independent Somaliland had prepared the ground for the formation of other regional states.

The Jubbaland regional state of Somalia was formed on the federal concept. Jubbaland has got many clans which may prove difficult to unite. Jubbaland was encountering political leadership problem due to the sharing of the many resources available in the region, especially the two river valleys which are agriculturally viable, the port of Kismayo which is a major source of income, and the coastline which is a fishing ground. There are land issues in Kismayo as well as IDPs. Integration of militia was a challenge

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[245] A. Y. Abokor, (2005). *Further steps to democracy: the Somaliland parliamentary elections.* London: Progressio.

to Jubbaland with Al Shabaab being still a force to defeat. The Jubbaland administration based in Kismayo was in formative stage and hence lacked a good system of administration, judiciary and a local authority and a customs body.[246]

Most of the people interviewed asserted that Somalia government could not even protect itself from Al Shabaab which attacked at will with attempts even at the presidential palace; especially due to lack of a stable Somali National Army. The Al Shabaab controlled towns, ports and major routes while the government did not control a single state outside Mogadishu. The Al Shabaab were able to collect taxes even in Mogadishu city itself. The government leaders attended international forums only to lie about their army status. This lead to the international community ignoring the Somali army while the Somali soldiers were just hired and paid US Dollars 200 per month and end up with up to three months delay of the salary. Al Shabaab carried out their activities freely given they did not attack the AMISOM camps. The Al Shabaab had got the locals support, majority of it was due to the brutality of the militia leading to fear among the locals but there were still other diehard supporters. All this was because Al Shabaab was the government of the day unto which taxes were paid. The interviewees agreed that Al Shabaab could be destroyed but no attempt to confront them had been made. The interviewees stated that the only two ways to go about the Al Shabaab problem was either negotiating with the Al Shabaab or take the fight to their door step.

The interviewees stated that IGAD had got the good will to help stabilize the Somali Republic but all they did was just talk and give suggestions which they lacked the money to facilitate and the force to push their agenda.

The major problem facing Jubbaland stabilisation was the focus by the leaders on the resource's exploitation rather than the regions stability. The solutions to having a stable Jubbaland were: to have a broad based parliament with elected representatives by the locals; transparency and accountability as well as equal resources distribution; a concrete plan on how to maintain as well as create abundant peace; involve all the stakeholders of

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[246] Oral Interview, Ibrahim Jimmale,08/08/2014.

the region in decision making.[247] As can be seen, the main problem facing Jubbaland were (a) the eminent threat of Al Shabaab militia and their allies, (b) Political ill will from the Federal government and (c) Poor financing of the regional states government by the SFG. The federal government had accused Jubbaland administration of having some sinister relations with Kenya and Ethiopia which it bordered. He added that Al Shabaab had a strong commercial asset base as they had invested almost everywhere in the world markets. The Al Shabaab militia was well organized and had got very many divisions. Their main sources of income were taxes and investments. To be able to defeat Al Shabaab there was a need for a political, economic and military collaboration and people awareness program. This would take time because the Al Shabaab militia had got deep roots as well as their continued forceful recruitment[248].

The resettling of IDPs and refugees should be voluntary activity where it's the refugees choice to move or to stay. They should be moved to areas with peace and stability. They should be moved preferentially to their areas of origin and as well places with socio-economic attraction like health care, education, food and water. However, most refugees were not willing to return voluntarily since the camps provided better live compared to their homeland. The international community should help the federal government to stand and establish themselves as an authority in Somalia. There was a general lack of a strong law and order system and no systems to ensure equitable distribution of resources.[249]

The Jubbaland administration had begun the process of acquiring Government land and buildings in Kismayo. The integration of militia was facing a challenge as it was easier to integrate clan based militia groups than it was to integrate Al Shabaab militia. Most Al Shabaab defectors were false with hidden agenda.[250] Those who had personal property should get it back through some sort of agreement with the grabbers. The solutions should start with elders trying to solve any existing conflicts. Those who are on other

[247] Oral interview, Mohammed Abdullahi,04/08/2014.
[248] Oral interview, Gedi Muhiddin,15/08/2014.
[249] Oral interview,Mariam Aw Mohammed,10/08/2014.
[250] Oral interview, Hidig, SFG M.P,05/08/2014.

people's property or government land were implored to vacate with no compensation as they were there illegally.[251]

Jubbaland had recognised women in reconciliation and peace building. It had appointed a woman minister along having other key women leaders. Women participated actively in the Jubbaland state formation as well as reconciliation conferences. This was an indicator of future success of peace and stability in Jubbaland.

Jubbaland was being taken as a role model in forming regional states in South Central Somalia. This was amplified by the Somali Federal Government (SFG) president while opening the Jubbaland reconciliation conference when he implored the other regions in Somalia to take an example of Jubbaland and unite to form regional states.

6.3 Conclusions of the Study

The study had confirmed as hypothesised that the creation of regional states 'building blocks' would create an environment for stabilizing the whole Somalia. This was because; the 'building blocks' approach effectively ensured that resources were managed at the local level thus avoiding marginalization, conflicts could be contained within a regional state and therefore contain stability in Somalia.

Equally, the political actors in the Somalia peace initiatives had a critical role and therefore, it was imperative to ensure that they were brought together in an inclusive manner in the search for a durable solution to the Somalia conflict. The desired end-state of a stable Somalia would have a positive impact on Kenya which had suffered immensely from the consequences of the conflict in Somalia.

6.3.1 Jubbaland's Actors and Success in Peace Building Efforts

Jubbaland peace building efforts had onboard all key players. To begin with, as the most central actor in Somalia and upon which the hopes of a future peaceful Somalia are pegged on, the Somali Federal Government, was the legitimate representative of the Sovereign state of Somalia. On the other hand, the Jubbaland regional state was the actor

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[251] Oral interview, Mohammed Amin ,06/08/2014.

responsible for reconciliation and making all inclusive government to ensure peace and security. Al Shabaab was another critical player who continued to fight both the Somali Federal Government and the Jubbaland regional state. If Al Shabaab dropped the call for war, the security challenge in Somalia would have been solved. The Grand stabilization plan initiated by IGAD and technically led by Kenya and Ethiopia had guided the Somali Federal Government to initiate the formation of regional states which included Jubbaland state, south west state, central state and others in formative stages.

It was also to be seen that when the Somali Federal Government disputed the formation of Jubbaland regional state, the IGAD chair (Ethiopia) facilitated the signing of the Addis Ababa agreement which specified the road map for forming an acceptable Jubbaland. Jubbaland creation was an example of bottom up approach in line with the social contract theory. However, the creation of Jubbaland was faced with the challenge of religious and clan inclinations which made governance and loyalty difficult to attain. There was also the challenge of integrating the various armed militia who include the Jubbaland forces, Ahlu Sunna Wal-Jama forces and Barre Hirale forces. The inclusion of women in the peace process in Jubbaland was rare act considering the Somali community was chronically male dominated.

6.3.2 Lessons from Jubbaland through Conflict Resolution Challenges in Somalia

The study noted that the Somali populations had lost the public trust and confidence in governance structures since the collapse of the Siad Barre Government. The international and regional communities had initiated various mediation efforts in Somalia which were self-defeating due to competing interests. However with the weakening of the Islamic states influence in Somalia, the Western backed federalism took root in which regional states were being created which include Jubbaland among others. Puntland and the self-declared independent Somaliland provided a yardstick on how to form regional states. The greatest challenge for the Somali Federal Government was to ensure that the Somali state building restores the public confidence in state institutions. Inclusion of informal governance systems developed during the collapsed state were important to ensure the

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remote hinterlands were adequately reached as the Government was still weak and lacking in resources.

The formation of Jubbaland was not without challenges. Clan interests were overriding the national interests. The Somali Federal Government led by Hawiye clan president was biased against the Darod dominated Jubbaland. This was in the midst of myriad of inter-clan competition pitting the members of Darod clan. However, Jubbaland success lay with absence of competing regional and international interests, the presence of the Somali Federal Government in Jubbaland formation who legitimised its formation and participation of other local actors.

6.3.3 Benefits of a Stable Somalia to Kenya

Kenya had invested in Somalia stabilisation effort since it hosted the Mbangathi conferences which led to the adoption of the transitional Federal Charter and formation of the first Somali Government which was hosted in Nairobi, Kenya. The United Nations political office for Somalia was based in Nairobi along Kenya participating in the IGAD Grand stabilization plan for South-Central Somalia. Kenya had invested also in sending its military to defeat Al Shabaab in Somalia.

Since independence the Northern Kenya had remained under-developed due to recurring insecurity phenomena which had culminated in terrorist attacks emanating from Somalia. Garissa, Wajir and Mandera counties had turned to be 'war zones' due to availability of arms and fighters from Somalia. Competition for scarce resources ignited ethnic conflicts as well as scramble for political dominance. Coupled with the refugee challenge, Kenya had born the greatest weight of the Somalia state collapse. Therefore, stability in Somalia translated to an equal benefit to Kenya.

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IGAD official, 10/08/2014

Sheikh Mohamed Sheikh Abdisalam,Kismayu, 29/09/2014

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Abdi Warsame, defector from Baare Hiraale forces in Gobweyn, Kismayu, 30 September 2014.

Abdirizak Shiekh Omar, member of Somali technical committee for creation of Jubbaland, 20 September 2014

Amina Mohamed Gedi, Women participant during the creation of Jubbaland State, 28/09/2014

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APPENDICES

APPENDIX I: Oral Interview Guide

Oral Interview Guide- Stabilisation of Somalia by creation of 'building blocks' regional states: The case of Jubbaland regional state of Somalia 2011-2014

INTERIM JUBBALAND ADMINISTRATION (IJA) OFFICIALS

1. How do you assess the FGS commitment to implementation of federalism and specifically in Jubbaland?
2. What are the current challenges?
3. Some major clans are not in support of Jubbaland creation. Why is it so? How can this be addressed?
4. Reconciliation for clans which have been fighting for a long time may require addressing historical injustices like restitution of land, property and houses stolen during conflict. How can this be done?
5. The Somalia Government land in Kismayu was grabbed by some clans/individuals. Can it be recovered? If yes, what is the recourse for the clans/individuals surrendering the land?
6. Where is the origin of Kismayu IDPs and who caused their displacement?
7. The Addis Ababa agreement requires integration of militia. How can it be done to ensure stable Jubbaland without falling back to war?
8. The Addis Ababa agreement requires hand over of seaport and airport to the federal government. Has there been agreement on economic support from the FGS? What is the constitutional relationship between the federal Government and the regional states in Somalia?
9. How can Jubbaland be modelled to be the showcase as a success story in the creation of regional states in South Central Somalia?
10. Can Jubbaland be self sufficient economically? If yes, what can be done to realize this potential?

CLAN ELDERS

1. How many clans were there in Jubbaland (Gedo, Middle and Lower Jubba regions) before 1991 and now in 2014 who meet the criteria of a clan?

2. How many legitimate Ugaas do we have in Jubbaland? What role can they play in stabilizing Jubbaland?

3. Which clans suffered most during the Somalia conflict? Which ones benefitted from the conflict?

4. How can justice be achieved in addressing ills committed against clans and individual persons during the conflict period?

5. Somalis identify themselves by clans other than nationality. This is seen in election of government officials and other important state appointments, how can this be turned for betterment of the country?

IDPS IN KISMAYU

1. Which clans dominate the Kismayu IDP camps? From where were they displaced? Who displaced them?

2. What is the livelihood for the IDPs? Do they wish to return to their land?

3. IDP camps are settled as per clan groupings. Why is it so?

MILITIA AND AL SHABAAB DEFECTORS

1. In the event all territory under Al Shabaab is liberated, can Al Shabaab fighters be given an amnesty to disarm, demobilize and integrate?

2. What was the main motivation of forming militia and/or joining militia forces in Somalia after the collapse of the Siyad Barre Government?

3. What is the source of finances to fund the acquisition of arms as well as paying the soldiers?

4. Is it possible to integrate the militia to have a national outlook?

FEDERAL GOVERNMENT OF SOMALIA (FGS) OFFICIALS

1. What were/are the main causes of conflict in Somalia?

2. The FGS constitution embraces federalism. How is the current FGS administration committed to creation of the regional federal states? Specifically, how is the FGS committed to creation of Jubbaland member state of Somalia and more so implementation of the Addis Ababa agreement?

3. What challenges is the FGS facing in implementation of federalism?

4. Clan affiliation is stronger than Nationalism in Somalia, how is the FGS balancing the delicate clan interest vis-a-vis national interests?

5. It is believed that Mogadishu based clan support strong central government as opposed to federalism. If this is true? How has the support by Mogadishu based clans contributed to the security situation in Mogadishu?

6. Is the international support (UN,EU,US,etc) to the FGS likely going to bring stability in Somalia?

7. To what extend has interventions by AMISOM troop contributing countries assisted Somalia? Have they facilitated political settlement in South central Somalia?

8. Somalia crisis has had a spill over effect to the neighbouring countries. How lasting is this effect? Can it be mitigated?

9. What makes Al Shabaab a real threat with seemingly local support? Can Al Shabaab be vanguished?

10. How much has been achieved through the IGAD joint committee for the grand stabilization of south central Somalia?

11. The previous Somalia Government land in Kismayu was grabbed by some clans/individuals. Can it be recovered? If yes, what is the recourse for the clans/individuals surrendering the land?

12. Reconciliation for clans which have been fighting for a long time may require addressing historical injustices like restitution of land, property and houses stolen during conflict. How can this be done?

PUNTLAND OFFICIALS

1. Puntland is a classic example of the regional stabilization in Somalia. How has Puntland managed her financial, institutional and political initiatives to address matters of stabilization?

2. Did Puntland get support from the international community to establish its government?

3. How is the clan factor playing in the Puntland?

4. How is Puntland relating to the Federal Government of Somalia in the sharing of resources, regional and state owned assets?

5. Is Al Shabaab still a threat to Puntland? If so, why?

SOMALILAND OFFICIALS

1. British Somaliland has a long history from the time of unification with the Italian Somalia. Later, after collapse of the Siyad Barre Government, Somaliland established a government and declared independence from the Somalia republic. How did it manage this without international support?

2. The rest of Somalia has not been able to unite and form a government, what has been missing or what have they been doing wrongly?

3. How is clan factor playing in the Somaliland?

4. Is Al Shabaab a threat to Somaliland?

IGAD OFFICIALS

1. What role has IGAD played in its grand stabilisation plan for South and Central Somalia?

2. What challenges has IGAD faced in its mission in Somalia?

3. Who are the partners working with IGAD? What is their role in the stabilisation effort?

4. Does IGAD have the enforcement capability? If No, what is the recourse if the peace agreements are not implemented?

5. Reconciliation agenda in Somalia is not defined according to the Addis Ababa agreement. Does it have truth and justice elements?

AMISOM OFFICIALS

1. AMISOM forces while operating under chapter VII of the UN charter have played a significant role in defeating Al Shabaab militarily. What other role have they played to pacify the liberated areas?

2. What has made Al Shabaab a strong force enduring the loss of key facilities like Kismayo port and is still able to recruit, train and acquire new weapons?

3. Reports indicate that weapons meant for the Somalia federal government have found their way to Al Shabaab. If true, how has this been possible and yet Al Shabaab is the enemy?

4. Large territory remains under Al Shabaab control. If all the territories are liberated, what can become of Al Shabaab?
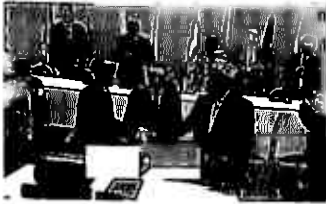
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APPENDIX II

AGREEMENT BETWEEN THE FEDERAL GOVERNMENT OF SOMALIA AND JUBBA DELEGATION

The Federal Government of Somalia (FGS) and Jubba delegations hereinafter parties discussed several issues about the current political, governance and security situation of Jubb.

INTRODUCTION:

Recalling the guiding principles in Communiqué of the meeting of Heads of State and Government of the Intergovernmental Authority on Development (IGAD) adopted at its 21st Extra-ordinary Summit Wed May 24, 2013 held in Addis Ababa, Ethiopia;

The principles eh as follows:

· Management of the Government of the Republic of Somalia in the process;

· Respect for the Provisional Constitution of the Federal Republic of Somalia;

· All inclusive consultation process with people "off Somalia;

· Supporting Role In IGAD based prioritization of the Somali Government;

· Fighting Alshabab As the primary focus of the Somali federal government, regional and international partners;

Recalling the decisions contained in the Communiqué of the meeting of Heads of State and Government of the Troop-contributing countries (TCCS) to the African Union Mission in Somalia (AMISOM) held on August 4, 2013 in Kampala, Uganda;

Reiterating the need for all processes in particular the ongoing work towards setting up the Somali regional administrations and stabilization efforts to be anchored to the principles of federalism in the provisional constitution, the National Stabilization Plan and the Local Government Act.

In full recognition of the supremacy of the Provisional Constitution of the Federal Republic of Somalia, and that the federal government of Somalia to be the sole representative of the sovereign Somalia.

In full respect for Unity, Sovereignty and territorial integrity of the Federal Republic of Somalia

Herewith parties Determine and Agree:

ARTICLE ONE

Establishment of an interim administration

A. The federal government of Somalia and the Jubba delegations have agreed on an interim administration for Jubba, composed of Gedo, Lower Jubba and Middle Jubba regions subject to what the people of these regions determines ultimately due constitutional process. The Interim Administration shall be called Jubba Interim Administration.

2 The duration of the Interim Administration shall be a period of not more than two years, where - and subject to the constitutional process - a permanent Federal Member State will be established.

3 During a hearing, the parties to this agreement to work together to complete the remaining part of the administration without prejudice to the provisional federal constitution of Somalia.

4 The Interim Administration shall Jubba be constituted by an Executive Council and Regional Assembly.

5 The head of the interim administration Jubba should be the leader of the three regions of lower Jubba, middle Jubba and Gedo and also the leader of the Executive Council, and shall be accountable to the federal government of Somalia.

6 The leader should have three deputies appointed by the CEO in consultation with the Somali government, and they will also become members of the executive council.

7 The Executive Council shall be the executive organ of the Interim Administration, and whose members will be appointed by the Leader of consultation and coordination with the federal government. The federal government is responsible for ensuring inclusion.

8 Regional Assembly should be an all inclusive and representative body of all clans and constituencies and elected by the traditional elders of seats have been allocated proportionately among the districts in the three regions in full respect of inclusivity, balance and reconciliation tool way. The rules and regulations governing this Interim Administration shall be in accordance with the Interim Constitution of FRS and approved by the Federal Parliament.

9 While the Local Government Act takes effect, the Governors of lower Jubba and Middle Jubba Regions appointed by the Leader based on quota basis ensuring inclusion in consultation with local elders and government in Somalia. The current Gedo administration will remain as is for

now.

ARTICLE TWO

About management of federal institutions and infrastructure

10th The Federal institutions and infrastructure, including the Kismayo Kismayo Airport and Seaport and other institutions shall be recognized as assets and the Commonwealth of the people of Somalia.

11th At Kismayo Kismayo Airport and Seaport be exploited in a way that is beneficial to peace and prosperity for the people of Somalia under the direction and control of the federal government of Somalia.

12th The Kismayo Sea Port and Air Port Management shall be handed over to the federal government of Somalia (FGS) for six months, after which the federal government of Somalia to designate a competent management team in consultation with the Interim Jubba Administration meanwhile the current management of port areas for the next six months. The federal government of Somalia will appoint immigration officers at all entrances.

13th Revenue and other resources generated and accruing from Kismayo Kismayo Airport and Seaport should be managed in a responsible, transparent and accountable manner.

14th Revenue and other resources generated and accruing from Kismayo Airport and Seaport should only be used, invested and paid the priorities of safety, service delivery and institutional construction of Jubb.

15th This transitional arrangement shall continue until final agreement on revenue sharing in the country as per the constitutional process.

ARTICLE THREE

About management of security forces and militias Integration

16th That all security features, including RasKanboni Brigade (RBK), the Darwish and any other militias to be integrated in the central leadership of the Somali National Army (SNA), and the regional police will be under the command of the temporary Juba Administration.

17th The Federal Government of Somalia (FGS) and the established Interim Jubba Administration shall jointly establish a Technical Security Committee will agree on modalities and timetable for the integration of all security elements. The technical committee will also be responsible for implementing Security Reform.

18th Integration of militias in the Somali army will also be conducted within the recommended schedule determined by a technical committee of FGS, and the temporary Jubba Administration, in close cooperation with AMISOM.

19th The Federal Government of Somalia (FGS) is under the planned reintegration program, prioritize Jubba Administration to combatants, especially on the lower level Alshabab fighters in the regions can disengage from combat and return to civilian life in their homes.

ARTICLE FOUR

On reconciliation and confidence-building

20th The federal government of Somalia to organize and convene, within two weeks of a reconciliation in Mogadishu. A follow-on peacebuilding conference will also be held in Kismayo.

21st Mogadishu Reconciliation conference will be a consultation mechanism in the process of completing the formation of the interim administration and peacebuilding.

22, In Mogadishu Reconciliation Conference, the modalities of development of roadmaps for establishing federal member states agreed.

23, The Government of the Federal Democratic Republic of Ethiopia, as chair of IGAD shall be the guarantor of this Agreement.

Agreed this August 27, 2013 in Addis Ababa, Ethiopia

Signature Signature

HE Sheikh Farah Abdul Kadir

HE Sheikh Ahmed Mohamed Islaan

On behalf of the Somali Federal On behalf of Juba Interim Administration

Government.

Guarantor

HE Dr. Tedros Adhanom Ghebreyesus

Chairman of the Council of Foreign Ministers of IGAD

APPENDIX III

TRIPARTITE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA, THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

TRIPARTITE AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF KENYA,

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA

AND
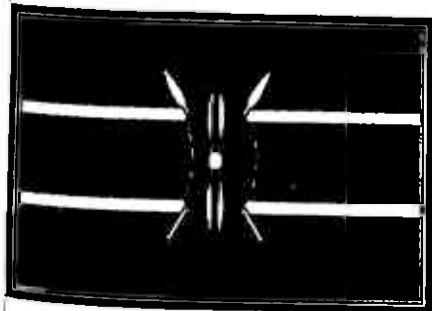
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

GOVERNING THE VOLUNTARY REPATRIATION OF SOMALI REFUGEES LIVING IN KENYA, 2013

TRIPARTITE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA, THE GOVERNMENT OF THE FEDERAL REPUBLIC OF SOMALIA AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GOVERNING THE VOLUNTARY REPATRIATION OF SOMALI REFUGEES LIVING IN KENYA, 2013

Preamble

The Government of the Republic of Kenya, the Federal Government of Somali (herein referred to as **"the Governments"**) and the United Nations High Commissioner for Refugees (herein referred to as **"UNHCR"**), all together hereinafter referred to as **"The Parties."**

a) **Recalling** the Geneva Convention Relating to the Status of Refugees of July 28, 1951 (the 1951 Refugee Convention) and its Additional Protocol of January 31, 1967 (the 1967 Protocol) and the OAU Convention of September 10, 1969 Governing the Specific Aspects of Refugee Problems in Africa (the 1969 OAU Convention) and the obligations on the Parties to adhere to and respect the provisions of this Agreement;

b) **Noting** the general principles of International law on the right of all persons to leave and return to their country of origin as enshrined In Article 13 (2) of the 1948 Universal Declaration of Human Rights (UDHR) and Article 12 of the 1966 International Covenant on Civil and Political Rights (ICCPR);

c) **Recalling** that the United Nations General Assembly Resolution 428(V) of 14 December 1950, adopted the Statute of the United Nations High Commissioner for Refugees, and mandated it to seek permanent solutions for the problem of refugees inter alia, facilitating the voluntary repatriation and reintegration of refugees in their countries of origin;

d) **Considering** that voluntary repatriation constitutes a durable solution for the problems of refugees, and that the attainment of this solution requires that refugees will voluntarily return to their country of origin in conditions of safety and dignity;

e) **Noting** that Conclusion 18 (Session XXXI)-1980, Conclusion 40 (Session XXXVI)- 1985 and Conclusion 74 (XLV)-1994 and 101 (LV)-2004 of the Executive Committee of the High Commissioner's Program set out Internationally accepted principles and standards governing voluntary repatriation of refugees;

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f) **Underscoring** the obligation of the Government of the Federal Republic of Somalia, while respecting the right of all persons to return to their country, to create conditions for voluntary, safe and organized return of refugees to Somalia;

g) **Recognizing** the hospitality of Kenya to one of the highest number of Somali refugees in the world;

h) **Acknowledging** that regional security is a concern for all parties, and that Kenya has borne a huge economic, environmental and social burden, arising from hosting large numbers of refugees and asylum seekers from Somalia;

i) **Commending AMISOM** and the International community as a whole for their support to the Somali Federal Government in stabilizing the country;

j) **Welcoming** the commitment of the two Governments to facilitate the voluntary repatriation and reintegration of Somali returnees as contained in the Joint Statement of Understanding of 27th April 2013;

k) **Further welcoming** the endorsement of this commitment by the 21st and 22nd Extra-Ordinary Summits of IGAD Heads of State and Government and by the London International Conference on Somalia;

l) **Recognizing** that the Parties have agreed that issues relating to unregistered and or undocumented Somali refugees in Kenya shall be addressed in the spirit of this agreement;

m) **Recognizing** the desire of the two Governments and UNHCR to cooperate and establish this legal framework in order to facilitate the voluntary repatriation in safety and dignity of refugees as well as their sustainable reintegration in Somalia;

n) **Stressing** the role and the need of the Parties to mobilize International resources for the voluntary repatriation and reintegration of Somali refugees;

Hereby agree as follows:

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I. GENERAL PROVISIONS

ARTICLE 1
Definitions

For the purpose of this Agreement,

1. The term "Commission" shall mean the Tripartite Commission established under Article 3 of the present Agreement;
2. The term "Committees" shall mean the Technical Committees formed under Article 4 paragraph 7 for the present Agreement;

3. The term "refugee" shall have the meaning as provided for in the 1951 Refugee Convention, its 1967 Protocol, the 1969 OAU Convention and the Kenya Refugees Act 2006;

4. The term "returnee" shall mean any refugee who has voluntarily returned to Somalia and is now within the territory of Somalia;

5. The term "voluntary repatriation" refers to the voluntary return of a refugee to the country of origin with the specific intention to re-avail him or herself of the national protection of the country of origin;

6. The term "vulnerable group" refers to refugees with specific needs including women, children, disabled, sick and elderly persons.

ARTICLE 2
Objective of the Agreement

The objective of this Agreement is to provide for a legal framework for the safe and dignified voluntary repatriation of Somali refugees from the Republic of Kenya and their reintegration in the Federal Republic of Somalia.

ARTICLE 3
Establishment of the Tripartite Commission

A Tripartite Commission is hereby established.

ARTICLE 4
Composition of the Commission

1. Each Party shall designate not more than four representatives to the membership of the Commission. Two representatives from the Governments shall be at ministerial level.

2. The chairperson and co-chair will alternate between the two Governments upon mutual agreement.

3. UNHCR will act as Secretary being assisted by representatives of both Governments designated by members of the Commission at its meetings.

4. Any of the Parties to the Commission may, when attending meetings or other business of the Commission, be accompanied by not more than two advisors who shall be funded by the Commission.

5. The Commission may, whenever deemed appropriate, and subject to agreement by all its members, invite relevant persons including refugee representatives or partners to participate in its deliberations in an observer or advisory capacity.

6. Where a member is unable to attend to any business of the Commission, that member shall designate an alternate.

7. The Commission may form Technical Committees for the implementation of the policies, decisions and activities of the Commission.

8. The composition and structure of any Technical Committee shall be determined by the Commission.

ARTICLE 5
Role and Function of the Commission

1. The principal objective of the Commission shall be to advance the voluntary and organized repatriation of refugees to, and the reintegration of returnees in Somalia.

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2. The Commission shall determine the overall policies and may establish the modalities and provide guidance and recommendations to the Parties regarding the voluntary and organized repatriation in safety and dignity of Somali refugees.

ARTICLE 6
Meetings of the Commission

1. The Commission shall convene regularly, at least five times in a year, at the request of any of the Parties, and at such venue as may be agreed upon.

2. A meeting can be called to order if at least two members of each party are present.

3. The dates of the meetings shall be decided on by the members of the Commission.

4. The Commission shall make its decisions on the basis of mutual agreement by members.

5. The Commission shall adopt its own Rules of Procedure as necessary.

ARTICLE 7
Liaison Officers

In support of and to complement the work of the Commission, the Governments shall designate Liaison Officers at their respective diplomatic representations or offices in both Nairobi and Mogadishu with powers to deal with operational issues as may be required.

ARTICLE 8
Resource Mobilization

The Parties shall bear the primary responsibility of mobilizing international resources and shall endeavor to obtain these resources for:

I. The activities of the Commission and its technical working committees.

II. The voluntary and organized repatriation of Somali refugees and the reintegration of Somali returnees.

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ARTICLE 9
Right of Return

All Somali refugees, irrespective of their registration status, living in the Republic of Kenya have the right to voluntarily return to the Federal Republic of Somalia in accordance with international law.

ARTICLE 10
Voluntary Character of Repatriation

1. The Parties hereby reaffirm that the repatriation provided for in this Agreement of Somali refugees who have sought refuge in the Republic of Kenya shall take place in conformity with international law pertaining to voluntary repatriation.

2. The Parties hereby agree that the decision of the refugees to repatriate shall be based on their freely expressed wish and their relevant knowledge of the conditions within the country of origin and the areas of return.

ARTICLE 11
Freedom of Choice of Destination

The Parties hereby support that the Somali refugees shall be free to return to, and settle in, their former places of residence or any other place within Somalia.

ARTICLE 12
Return in Safety and Dignity

1. The Parties agree to assist Somali refugees under this Agreement to return to their final destination in safety and dignity.

2. The Government of the Republic of Kenya shall be responsible for the safety and security of repatriating refugees while within Kenyan territory according to national and international law.

3. The Government of the Federal Republic of Somalia shall be responsible for the safety and security of the returnees once within the territory of Somalia in accordance with National and International Law.

4. With a view to ensuring that voluntary repatriation is sustainable, the Parties may advocate for the strengthening and expansion of the Federal Republic of Somalia's national development, security and humanitarian assistance programs, focusing wherever possible on local community development in key areas of return to facilitate reintegration of the returnees.

ARTICLE 13
Preservation of Family Unity

In accordance with the principle of family unity, the Parties shall make every effort to ensure that families return as units and that involuntary separation shall be prevented. If, for any reason, a returnee's family breaks up or becomes separated in the process of repatriation, steps shall be taken on a priority basis to facilitate the reunification of the family members.

ARTICLE 14
Legal Status and Equivalency

1. The Government of the Republic of Kenya shall validate or issue documentation to Somali refugees in respect of births, deaths, adoptions, marriages and divorces that occurred while residing as refugees in Kenya, prior to their voluntary repatriation in accordance with international and national legislations and as a measure to prevent statelessness.

2. The Government of Kenya shall issue or validate, whenever applicable, certificates, diplomas and degrees in accordance with national law reflecting academic or vocational skills obtained by the refugees in Kenya.

3. The Government of Somalia shall recognize as appropriate and in accordance with applicable national laws the legal and civil status, including changes thereto during their displacement in Kenya, of returnees including births, deaths, adoptions, marriage, divorces and custody decisions.

4. The Government of Somalia shall accord recognition, as appropriate and in accordance with applicable national laws, to the equivalency of academic and vocational skills, certificates, diplomas and degrees obtained by the returnees during displacement. Replacement or equivalency of documents certifying legal status or equivalency of academic and vocational skills, diplomas and certificates of returnees shall be provided at no or reduced cost.

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ARTICLE 15
Information and Sensitization

1. The Parties to this Agreement shall provide Somali refugees with objective, accurate and timely information on current conditions in Somalia which shall inform their decision to voluntarily repatriate to Somalia.

2. The Parties to this Agreement shall facilitate "go and see" visits by refugees and "come and tell" visits by returnees, local authorities from Somalia and other relevant partners.

ARTICLE 16
Spontaneous Return

The Parties hereby recognize that all assurances, and guarantees benefits and other provisions set out in this Agreement that govern the voluntary repatriation and the reintegration of refugees shall also apply to those returnees who return to Somalia using their own means.

ARTICLE 17
Registration and Documentation

The commission shall agree on a voluntary repatriation form recognized as a valid identification and travel document to Somalia for the purpose of return and access to reintegration services.

ARTICLE 18
Special Measures for Vulnerable Groups

1. The Parties shall take special measures, to ensure that children, women, the elderly and other vulnerable groups receive adequate protection, assistance and care throughout the repatriation and reintegration process.

2. Parties shall take necessary measures to ensure that unaccompanied minors and or separated children are returned after a successful tracing of family members or others who by law or custom are responsible for the child. For those cases where tracing was not successful adequate reception and care arrangements shall be put in place in by the Federal Government of Somalia.

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ARTICLE 19
Designated Border Crossing Points and Transit Arrangements

The Parties shall agree on border crossing points and related transit arrangements for organized repatriation movements. Such arrangements may be modified as mutually agreed on to better suit operational requirements.
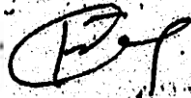
ARTICLE 20
Immigration, Customs and Health Formalities

1. The Governments shall simplify and streamline their respective immigration, customs, health and other formalities usually carried out at border crossing points.

2. All goods of the returnees, their personal effects or communal property, including household and electronic items, food and livestock, shall be exempted by the respective Government from all customs duties, charges and tariffs, provided that such property is not prohibited for export and import by the respective Government. The Parties shall also expedite the clearance and handling of such items.

3. The Governments shall waive all fees as well as road or other taxes for vehicles, including those, which are part of the personal property of returnees, entering or transiting their respective territories under the repatriation programme.

ARTICLE 21
Movement and Security of Staff and Resources

1. The Governments shall facilitate the free movement of staff and personnel of the Parties herein and of their partners as well as vehicles, relief goods and equipment used in the operation in, within and out of Kenya and Somalia in the repatriation subject to relevant clearances.

2. The Governments shall take all appropriate steps to ensure the security and safety of the staff and all other personnel engaged in the repatriation operation provided for under this Agreement.

ARTICLE 22
Relief Goods, Materials, Equipment and Communication

1. The Governments shall in conformity with the national taxation laws, exempt from all taxes, duties and levies of all relief goods, materials, equipment, vehicles of UN agencies meant for official use in the repatriation and reintegration operation and expedite its clearance and handling.

2. The Governments shall authorize UNHCR to use UN communications equipment, including satellite communication, networks, designated frequencies and networks for cross-border and internal communication between offices, vehicles and staff and may, whenever operational requirements necessitate, facilitate the allocation of other frequencies.

3. The relevant written authorizations for equipment, frequencies and cross-border networks shall be issued to UNHCR in accordance with national laws and regulations.

ARTICLE 23
Establishment of Field Offices

UNHCR may, whenever required, for the purpose of a more effective discharge of its responsibilities under this Agreement, establish Field Offices at locations to be agreed upon with the Government concerned, and in compliance with Government policies, regulations and procedures.

II DUTIES AND REPONSIBILITIES OF THE PARTIES

ARTICLE 24
Responsibilities of the Government of the Republic of Kenya

The Government of the Republic of Kenya shall cooperate with the Parties to ensure voluntary repatriation in safety and dignity. The following are the duties of the Government of the Republic of Kenya:

1. Facilitate sensitization of refugees on voluntary repatriation;

ii.   Facilitate access by UNHCR to Somali refugees wherever they may be in Kenya so as to implement the voluntary repatriation programme provided for in this Agreement ;

iii. Issue and or validate documentation in respect of births, marriages, divorces, adoptions, deaths or other legal status as well as educational credentials in acknowledgement of academic or vocational skills obtained by refugees in Kenya;

iv.   Simplify immigration formalities and procedures to facilitate exit from Kenya in accordance with applicable national law;

v.   Facilitate "go and see" visits of refugees to areas of intended return, and "come and tell" visits by Somali Federal or local authorities as provided for under Article 15 of this Agreement;

vi.   Exempt all goods of the returnees, their personal effects or communal property, including household and electronic items, food and livestock from customs and duties or taxes which would otherwise apply;

vii. Simplify and expedite health formalities and requirements to the extent feasible in accordance with the law in the interest of facilitating easy exit from Kenya of the repatriating refugees;

viii. Provide security escorts for the repatriation convoys, the staff of the Parties and the implementing partners engaged in the operation in Kenya ;

ix.   Facilitate the joint registration with UNHCR of Somali refugees wishing to voluntarily repatriate and;

x.   The Government of Kenya shall continue to provide protection and assistance to all refugees until durable solutions are attained in accordance with national and international law.

ARTICLE 25
Responsibilities of the Government of the Federal Republic of Somalia

The Government of the Federal Republic of Somalia shall put in place administrative, judicial and security measures to ensure that the return and reintegration of refugees takes' place in safety and dignity. In order to discharge the aforesaid obligations, the following shall be the duties of the Federal Government of Somalia:-

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i. Facilitate the safe, dignified and sustainable return;

ii. Ensure return and reintegration without fear of harassment, intimidation, persecution, discrimination, prosecution or any punitive measures whatsoever on account of having left, or remained outside Somalia;

iii. Create conditions conducive to sustainable return and reintegration of returnees;

iv. Guarantee that all Somali refugees living in Kenya wishing to return to Somalia, shall be able to do so without any legal or other hindrances, and that any of their family members who are non-Somali citizens should be able to join them for the purposes of maintaining family unity, and have their residence status expedited subject to national law;

v. Simplify formalities for the return of refugees and facilitate the entry of all their goods, including of commercial nature or quantity, personal and household effects free from any customs and excise duties or taxes. Controls and inspections at the entry point will be carried out expeditiously, with due respect to the dignity and basic human rights of the returnees;

vi. Take all necessary measures to allow returnees to settle in their areas of origin or any other part of the country of their choice. In addition, ensure freedom of movement of the returnees as provided for in the country's national legislation and in accordance with international human rights standards;

vii. Commit to promote durable peace and national reconciliation;

viii. Establish fair and accessible procedures to settle any claims that the returnees may make for restitution of lands or other property left behind when they were forced to flee;

ix. Ensure that the returnees shall enjoy property ownership and protection acquired upon return, in accordance with the national laws;

x. Recognize the legality of births, adoptions, deaths, marriages or divorces which may have taken place during asylum as read together with Article 24 (III);

xi. Recognize as appropriate and in accordance with applicable national law, certifications, qualifications and skills obtained from recognized institutions while residing in Kenya;

xii. Issue to the returnees all documents necessary for the exercise and enjoyment of their respective legal rights such as passports, personal identification documents, birth, death, marriage certificates and land title deeds;

xiii. Facilitate the issuance of new documents or the replacement of those lost in the course of displacement without imposing unduly restrictive or prohibitive conditions, costs or delays;

xiv. Facilitate all the activities of UNHCR relating to the repatriation operation provided for in this Agreement including granting free and unhindered access to UNHCR officials to the returnees, accompanying the returnees to Somalia, conducting effective monitoring of their legal, physical and material situation and to make appropriate interventions ;

xv. Facilitate the reintegration of the returnees and their enjoyment of all the social, economic, civil, cultural and political rights provided for in the laws of the country, including fair and equal access to public services;

xvi. Facilitate the movement into and within its territory of the staff of UNHCR and its partners and ensure that vehicles, relief goods and equipment required for use in implementing the voluntary repatriation and reintegration of the returnees can be brought into and used in the country free of duty, customs or other charges;

xvii. Ensure the safety and security of the returnees, including when in transit in Somalia while proceeding to their final destinations;

xviii. Guarantee the safety and security of the staff of UNHCR and partners engaged in the repatriation and reintegration operation and;

xix. Facilitate "go and see" visits by refugees to areas of intended return, and "come and tell" visits by Somali Federal or local authorities as provided for under Article 15 of this Agreement.
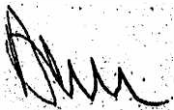

ARTICLE 26
Responsibilities of the United Nations High Commissioner for Refugees

In keeping with its mandate, the UNHCR shall facilitate and coordinate the voluntary repatriation of Somali refugees and verify that the voluntary repatriation is carried out in conditions of safety and dignity. UNHCR shall:-

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i.   Verify and assure the free and voluntary nature of the decisions made by the refugees to repatriate, in keeping with its mandate and shall have access to the refugees so as to discharge these and other responsibilities as per this Agreement;

ii.   Facilitate the safe and dignified character of the repatriation by ensuring that it is carried out in accordance with national and international law;

iii.   Organize and facilitate in collaboration with the Parties, awareness raising activities, dissemination of relevant information with regard to the voluntary repatriation to Somalia and on family reunification procedures in and outside Somalia;

iv.   Establish offices, deploy staff and carry out activities along the main return routes in Kenya and areas of return in Somalia to implement the repatriation in safety and dignity of the refugees and promote their reintegration;

v.   Ensure that the vulnerable group of refugees and returnees are protected and their fundamental rights are respected in accordance with applicable international, and national legal standards;

vi.   Monitor the situation of all refugees in Kenya in cooperation with the Government of Kenya, supervise their continued enjoyment of asylum as provided for by national and international law;

vii.   Mobilize and allocate resources for the purpose of the implementation of this Agreement;

viii. Assist and coordinate in collaboration with partners the ongoing protection and assistance programs, the voluntary repatriation and reintegration activities in Kenya and Somalia;

ix.   Verify and assure the progress of the reintegration process of returnees to Somalia in cooperation with the Government of the Federal Republic of Somalia and

x.   Have access to the returnees during the reintegration process in accordance with this Agreement.

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III. FINAL PROVISIONS

ARTICLE 27
Continued Validity of other Agreements

This Agreement shall not affect the validity of or derogate from any existing Agreements, arrangements or mechanisms of cooperation between the Parties.

To the extent necessary or applicable, such Agreements, arrangements or mechanisms may be relied upon and applied as if they form part of this Agreement to assist in the pursuit of the objectives of this Agreement.

ARTICLE 28
Resolution of Disputes

Any disputes arising out of the interpretation and application of this Agreement, shall be resolved amicably through negotiations and consultation between the Parties.

ARTICLE 29
Entry into Force, Duration and Termination

1. This Agreement shall become effective on the date of its signature by all Parties, and shall remain in force for a period of 3 years and it may be renewed for a further period as agreed upon by the Parties.

2. This Agreement may be terminated by either Party giving six months' notice. The termination of this Agreement shall not prejudice activities and programmes in progress.
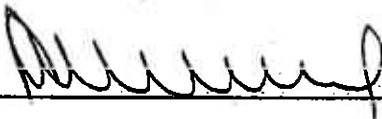
ARTICLE 30
Amendments

The Articles of this Agreement may be amended at anytime by a written consent of all Parties through exchange of Diplomatic Notes. Any such amendments shall constitute part of this Agreement.

IN WITNESS WHEREOF, the authorized representatives of the Parties have hereby signed this Agreement.

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Dated this ___10___ day of ___November___ **2013,** in three originals in the English language, each being equally authentic.

FOR THE GOVERNMENT OF THE
REPUBLIC OF KENYA

AMB. AMINA C. MOHAMED, CBS CAV
**CABINET SECRETARY FOR FOREIGN AFFAIRS
AND INTERNATIONAL TRADE**

FOR THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF SOMALIA

H.E. FAWZIA YUSUF H. ADAM
**DEPUTY PRIME MINISTER AND
MINISTER FOR FOREIGN AFFAIRS**

FOR THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

MR. RAOUF MAZOU
REPRESENTATIVE, UNHCR REPRESENTATION IN KENYA

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