

**SOMALIA: CONTINUATION OF WAR  
BY OTHER MEANS?**

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## SOMALIA: CONTINUATION OF WAR BY OTHER MEANS?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The declaration, in Kenya, of a Transitional Federal Government (TFG) in October 2004 was heralded as a breakthrough in Somalia's protracted crisis of statelessness and civil strife. But the peace process has gone largely downhill since then. The Transitional Federal Parliament's choice for interim president, Colonel Abdillahi Yusuf Ahmed, is divisive and controversial. To many Somalis, his election represents not a step toward peace but continuation of the war by other means. The status of the peace process is grim but not altogether hopeless. Yusuf and his partners need to use their political advantage to form a genuine government of national unity, rather than attempt to impose their own agenda on the transition. The international community needs to make clear that only if this happens will the TFG get the recognition and support it desperately seeks. The probable alternative is resumption of Somali's conflict through all-too-familiar means

The archetypal Somali warlord, Yusuf's opposition to the now defunct Transitional National Government (TNG), his advocacy of a federal structure for Somalia and his close ties with neighbouring Ethiopia, together place him firmly in one camp in Somalia's long-running conflict. In order to cement his victory, Yusuf called for deployment to Somalia of a 20,000-strong multinational military force. His choice for prime minister and the composition of the first TFG cabinet confirmed his pursuit of a narrow political agenda, provoking a parliamentary revolt, a no-confidence vote (ostensibly for other reasons) and dissolution of the government.

The 15 December deadline for the return of the TFG to Somalia, set by the member states of the regional Intergovernmental Authority on Development (IGAD), expired with it still in Nairobi, citing insecurity in its homeland. Divisions between regional powers and the wider international community have impeded

the emergence of a common orientation toward the interim Somali leadership.

The challenges ahead are formidable. The TFG must reconstitute itself and return to Somalia; the decision whether to go to Mogadishu or identify an interim seat of government is charged with political significance and may well have repercussions on the security situation in parts of the country as well. Restoration of a secure environment is a top priority: the AU favours a modest monitoring and observer force, rather than the big battalions envisioned by Yusuf; but no deployment is likely until a formal, measurable ceasefire instrument has been drawn up and the deployment of foreign troops has been authorised by the transitional parliament.

The TFG was born impoverished and quickly needs to secure sources of revenue. Few governments are willing -- or able -- to provide direct budgetary support, so the TFG will be obliged to tap domestic sources such as ports and airports. Although most faction leaders have agreed in principle that these should be turned over to the control of the interim government, their commitment is questionable, and no agreement has been reached as to how or when revenues will be shared and managed. If the TFG attempts to gain control of economic infrastructure by force or subterfuge, it risks serious violence.

Over the longer term, the elaboration of a federal structure and the development of a permanent constitution are delicate issues fraught with risk. Despite agreement on a Transitional Federal Charter, many (if not most) Somalis will need to be persuaded of federalism's merits. As yet, there has been little substantive discussion on the form it might take. The demarcation of new administrative boundaries, control of revenue, and the future of existing institutions such as regional "governors" or, where

they exist, parliaments, are just some of the issues that are likely to be fiercely contested.

The question of Somali unity is still pending and has been complicated by Yusuf's election. The self-declared Republic of Somaliland associates Yusuf, as the former president of Puntland, with Puntland's claims to the regions of eastern Sanaag and Sool, which lie within the colonial boundaries inherited by Somaliland. Within two weeks of his election, unusually bloody clashes between Somaliland and Puntland forces in the Sool region had left over 100 people dead. Violence has since subsided, and both sides are employing various channels of communication to defuse the tension, but Somaliland's claims to independent statehood have yet to be addressed by the international community and will continue to be a source of friction throughout the transitional period.

## **RECOMMENDATIONS**

### **To the Leadership of the Transitional Federal Government (TFG):**

1. Constitute a new, smaller and cost-effective cabinet that is a genuine government of national unity.
2. Prepare for parliamentary debate and approval of a comprehensive and measurable ceasefire plan and proposal for deployment of an AU monitoring and observer force.
3. Enter negotiations with those groups currently in control of economic infrastructure, including on the terms of revenue sharing and management.
4. Initiate substantive dialogue and debate within the Transitional Federal Parliament and beyond on federalism options.

### **To the Transitional Federal Parliament (TFP):**

5. Recommit to the cessation of hostilities implicit in the Transitional Federal Charter and co-operate with the TFG in designing comprehensive, verifiable ceasefire arrangements.
6. Pass legislation authorising the deployment of an AU peace support mission, providing clear parameters for its mandate and duration.
7. Establish parliamentary committees as soon as possible to exercise oversight of the TFG and

to help enforce the principle of parliamentary supremacy.

### **To the African Union (AU):**

8. Continue planning for deploying a modest monitoring, observation and protection force in Somalia, including some training for Somali security forces.
9. Insist that the preconditions of a measurable ceasefire plan and parliamentary approval for the force be in place prior to any deployment.
10. Exclude troops from "Front-line States" (Djibouti, Ethiopia and Kenya) from the AU force, or at least from any role that could expose them to combat operations.
11. Dispatch a fact-finding mission to Somaliland, take the leadership's claim to independent statehood under formal consideration, and in this context, also explore options for resolution of the border dispute with Puntland.

### **To the United Nations Secretariat and Specialised Agencies:**

12. Augment UN representation to the level of Special Representative of the Secretary-General and appoint a diplomat from a disinterested and impartial nation to the post.
13. Plan for expansion of the UN Political Office for Somalia to a fully-fledged Peace Building Office on condition that the TFG returns to Somalia and demonstrates a reasonable degree of legitimacy and authority.
14. Continue decentralised programming of aid resources in Somalia independently of the TFG (respecting the Coordination and Monitoring Committee's guidelines), while working toward gradually closer collaboration and coordination with TFG ministries and agencies.
15. Commit resources for capacity building of TFG institutions.
16. Expand the membership and resources of the existing UN Monitoring Group and recommend to the Security Council concrete actions against individuals and groups identified by the Group as being in violation of the embargo or otherwise obstructing the peace process.

**To the EU, U.S., AU, IGAD, Arab League and  
Other Members of the Coordination and  
Monitoring Committee:**

17. Formalise the draft Declaration of Principles together with jointly agreed monitoring criteria and mechanisms.
18. Engage Front-line states to minimise the risk of interference with the peace process; the EU and U.S. should appoint Special Envoys to demonstrate their commitment to the process and provide adequate leverage with regional governments.
19. Develop plans for short and long term support of the TFG, along the lines of the Rapid Assistance Plan (RAP) and Recovery and Development Plan (RDP) already under discussion.
20. Encourage the TFG and aid partners to continue decentralised programming of resources until otherwise agreed.

**Nairobi/Brussels, 21 December 2004**



## SOMALIA: CONTINUATION OF WAR BY OTHER MEANS?

### I. INTRODUCTION

The declaration, in Kenya, of a Somali Transitional Federal Government (TFG) in October 2004, should have been reason to celebrate: after nearly fifteen years of statelessness and civil strife and two years of tortuous peace negotiations, Somalia seemed to be emerging from its protracted crisis. But in the world of Somali politics, unfortunately, no news is ever purely good news and the progress of the peace process has been largely downhill since then. The transitional parliament, based in Nairobi, Kenya, elected Colonel Abdillahi Yusuf Ahmed, an archetypal warlord unpopular in much of Somalia, as interim president. Yusuf immediately sidestepped the transitional charter in order to appoint his preferred candidate as prime minister: a veterinarian and civil society activist named Ali Mohamed Geedi. In early December the newly appointed prime minister put together a very large cabinet heavily weighted with Yusuf allies and tarnished by allegations of Ethiopian interference. Several appointees immediately resigned, and the remainder were voted out by parliament in a session that degenerated into fisticuffs, forcing dissolution of the entire cabinet.

Somalia's interim president is deeply controversial. Yusuf's supporters portray him as decisive, nationalistic and statesmanlike; his detractors see in him an incipient dictator, a parochial clan chieftain, and a fifth columnist for neighbouring Ethiopia. The interim government has yet to return to Somalia, citing insecurity, and remains based in Kenya. To the majority of Somalis who are neither his followers nor admirers, Yusuf's election represents not a national consensus, but rather the victory of one camp in the long-running civil war. As the fiasco of the first cabinet suggests, this complicates the prospect of striking the kind of delicate political balance required for a transitional government of national unity. The question is whether Yusuf and his supporters will

continue to exploit their new legitimacy to entrench themselves in power or dedicate themselves to building a genuine peace.

On balance, developments since Yusuf's taking office have compounded rather than alleviated anxieties about the future of the peace process. Since the TFG's inauguration, unusually heavy fighting has erupted in two regions, generating hundreds of casualties. A November 2004 attack on Yusuf's Nairobi residence has been widely interpreted as an assassination attempt, although police investigations are ongoing. The Transitional Federal Parliament (TFP) is a fractious body that has already violated its own charter at least once; many of its members seem indecorously preoccupied with sitting fees and per diems rather than government business. Although the TFP's vote of no-confidence in the first cabinet suggests the awakening of a robust democratic process, those who sponsored the motion included many who had been passed over for the cabinet and may have been defending parochial interests.

The interim president's most controversial move has been his appeal for a 20,000-strong African Union (AU) military force to help enforce his government's authority. Within Somalia, this was widely perceived as a sign that Yusuf is prepared to impose his authority by force if necessary -- a deeply unpopular proposition. A number of Somali leaders, including several key Islamists, have since flagged their opposition to the plan, the price of weapons and ammunition in Mogadishu has skyrocketed, and there have been reports of new stock entering the city arms markets. Initially supported by Kenya, Uganda, and Ethiopia, Yusuf's request appears to have been deflected by both the AU and the UN Security Council, both of which are eager to avoid a repeat of the disastrous "Black Hawk Down" episode of 1993 in which eighteen American troops were killed and dozens wounded in Mogadishu by militia loyal to a Somali faction leader.

The AU has continued planning for a modest monitoring and observer force instead, possibly accompanied by a small "protection force". But even these limited deployments should require prior approval from the transitional parliament and that measurable ceasefire arrangements be in place -- both of which are formidable challenges in the current context. If foreign troops are deployed without these preconditions having been met, they will no doubt be drawn into the Somali conflict.

In view of such shortcomings, it is remarkable that the peace process has advanced even this far. That it has done so signifies the convergence of a number of factors: the increasing war-weariness of the Somali people; the decline in the influence of most faction leaders relative to other Somali constituencies such as the business community; and the determination of the regional powers -- notably Ethiopia, Djibouti and Kenya -- to overcome their differences in pursuit of a workable solution. Credit is also due the Kenyan government and its partners in the regional organisation, the Intergovernmental Authority on Development (IGAD), for persisting for more than two years in their peacemaking endeavour, and to the small group of donors led by the European Commission who supported them. Yusuf's choice of Geedi as prime minister has helped to dilute the appearance of a government of warlords and to instil some confidence in potential donors.

The hardest part, however, is still ahead. Somalia has seen several interim governments come and go since 1991, leaving instability and despondency in their wake. So far, this one looks no different than its predecessors; responsible leadership is essential if the TFG is not to share their fate and is to metamorphose into a real success story. Yusuf needs to set the tone, demonstrating that he intends to serve as a caretaker, not rule like Caesar. He must demonstrate that he means to lead not merely a factional coalition, but a durable, broad-based government of national unity that works to earn the respect and trust of the Somali people. The prime minister and his cabinet must roll up their sleeves, trim their expectations of international assistance and come to grips with the formidable transitional responsibilities with which they have been entrusted: promotion of genuine reconciliation; restoration of a secure environment throughout Somalia; elaboration of a federal framework for the state -- with or without the inclusion of Somaliland -- and; laying the ground for free and fair elections.

Judicious international engagement will be another critical element. Finding the right balance between incentives and leverage will be tricky: the TFG has received a mandate of sorts to lead the peace process but its internal legitimacy, cohesiveness and purpose remain uncertain. The international community should extend recognition and legitimacy to the interim government in an incremental and progressive way, concomitant with the TFG's demonstration of its own acceptance and authority. But donors must also be prepared to support the transition process in strategic ways that improve chances of success. Assistance should be delivered so as not simply to prop up Yusuf and his factional allies and pave the way for future conflict, but to contribute to a process of broad reconciliation. This involves tying support to performance criteria, and strictly controlling disbursements to ensure that aid is not squandered on patronage or used to destabilise areas. Aid resources should be programmed in an equitable, decentralised manner that takes into account the diverse conditions existing in Somalia and ensures the involvement of local authorities.

Maintaining a unified international approach will not be easy. The temporary consensus between regional powers that allowed the process to get this far has already begun to show signs of strain. Within the region, Ethiopia, Kenya and Uganda are fully behind Yusuf and his team; Djibouti and Egypt -- supporters of the previous transitional government -- have been less enthusiastic. Evidence of Ethiopian interference in the interim government is likely to aggravate these differences. Friction between Italy and the UK has complicated decision making on Somalia within the European Union (EU), while the U.S. has adopted a "slow, measured approach"<sup>1</sup> that has been interpreted as a distinct lack of enthusiasm for the new leadership. Although the international community has begun to organise its relationship with the TFG within the context of an inclusive coordination mechanism, divergent assessments of the interim government's quality and prospects are likely to characterise engagement in Somalia for the foreseeable future.

Fundamentally, the concern is that the TFG amounts to no more than a temporary agreement between Somali leaders to continue their war by other means. The peace process has made no attempt to effect reconciliation inside Somalia, and there has been little or no progress toward resolving the multifarious issues that have divided the Somali people over the

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<sup>1</sup> Crisis Group communication, Nairobi, October 2004.

years. The country is still controlled by a patchwork of local authorities and factions, few of which qualify as potential sub-units of a federal state; inter-communal grievances from the civil war, including mass violations of human rights, have been left unaddressed; land and property remain occupied; individuals and groups continue to violate the cessation of hostilities and the UN arms embargo with impunity. Whether or not the TFG tackles such issues, while earning the legitimacy and credibility to do so effectively, will determine the future of the peace process. If it does not, then Somalia's obdurate leaders are likely to resume their struggle for power with all too familiar means.

## II. THE TRANSITIONAL FEDERAL GOVERNMENT

The formation of Somalia's Transitional Federal Government culminated two difficult years of tortuous negotiations in neighbouring Kenya under IGAD auspices. For much of their duration, the talks were plagued by mismanagement, squabbles over representation and interference by regional powers. An October 2002 ceasefire was repeatedly violated and several faction leaders flouted IGAD's threat of sanctions by returning to Somalia to wage war.

In January 2003, Kenyan Ambassador Bethuel Kiplagat took over management of the process, and the most egregious administrative problems, including misuse of funds, were brought under control. Political disputes over the leadership of the process persisted, however. In May 2004, matters took a turn for the better following the sixth meeting of the IGAD Ministerial Facilitation Committee responsible for guiding the process. The ministers reaffirmed their "unity of purpose", and cooperation between the "Front-line states", especially Ethiopia and Djibouti, improved perceptibly.<sup>2</sup> Despite widespread scepticism and numerous setbacks, the facilitators persisted, keeping most of the major Somali leaders at the bargaining table until a deal was finally hammered out, in September 2004, with the formation of a Transitional Federal Parliament and the election of an interim president.

### A. THE CHARTER

The centrepiece of the talks was a Transitional National Charter that established a parliament based on the so-called "4.5 formula" for power sharing between the major clans: 61 seats for each of the four major clan groups and 31 seats for the remaining "minority" groups.<sup>3</sup> The Charter describes a system of governance informed by democratic principles, the promotion and respect of human rights, the rule of law, and political pluralism, without denying the

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<sup>2</sup> During the course of the meeting, reference was made to a recently published Crisis Group report on the Somali peace process, which was sharply critical of the lack of cohesion between IGAD member states. See Crisis Group Africa Report N°79, *Biting the Somali Bullet*, 4 May 2004.

<sup>3</sup> The "4.5 formula" is essentially the same power sharing arrangement agreed to by Somali leaders four years previously as the basis for the Transitional National Government (TNG) established at Arta, Djibouti in August 2000.

profound attachment of the Somali people to their religion and culture.

In other respects, it is an awkward and ill-defined document. As the roadmap that should guide the Transitional Federal Institutions (TFIs) during the five-year transitional period, it is unnecessarily elaborate, riddled with errors, inconsistencies and contradictions. Framed as a permanent constitution rather than a provisional document, the Charter establishes the posts of president and prime minister without articulating clear checks and balances; vacancies in the parliament can be filled by a vaguely defined process of nomination by "sub-sub-clans", providing the current government with the same free hand its predecessor, the TNG, enjoyed to stock the assembly with its own supporters should members abandon their seats. The document dwells in depth on labour issues but offers little guidance as to how to proceed with reconciliation, the elaboration of federal institutions, the conduct of a constitutional referendum or elections, or the resolution of Somaliland's demands for self-determination -- all of which must be addressed during the transitional period.

Members of parliament and the TFG have already demonstrated a disturbing disregard for the Charter from which they derive their authority. Article 29, which assigns at least 12 per cent of parliamentary representation (33 seats) to women, was instantly violated: only 22 women took seats, while the remainder of the quota was filled by men. Yusuf then sought clarification from the TFP as to whether he might recruit a prime minister from outside its ranks, in contradiction to Article 47. When he failed to obtain parliamentary approval, he neatly sidestepped the Charter by persuading a factional ally, Mohamed Omar Habeeb (Mohamed "Dheere"), to vacate his seat in favour of the prospective choice.<sup>4</sup>

The most controversial aspect of the Charter is its adoption of a federal structure for Somalia -- an indication that the peace process had shifted in favour of Ethiopia and its Somali allies, including Yusuf, who had long advocated federalism.<sup>5</sup> Many

Somalis fear that such a structure would weaken a future government, rendering it more susceptible to foreign influence. Their concerns found expression in Article 71(9), which requires that the future constitution be submitted to popular referendum, thus making it possible to reject federalism.

## **B. THE ELECTION**

On 10 October 2004 the newly formed Transitional Federal Parliament assembled to elect the interim president. Most observers considered the only three serious contenders to be Yusuf, the former TNG leader Abdiqasim Salad Hassan, and Abdillahi Ahmed Addow, a former finance minister and ambassador in the Barre regime (1969-1991).

Abdiqasim's spectacular failure as TNG president to build a government and his increasingly visible links with Islamists meant that any authority he headed would have been regarded as untouchable by much of the international community,<sup>6</sup> but the rumour mill suggested he might use some of the missing millions donated to the TNG to buy his way back to power. Western diplomats, however, generally gave better odds on Addow, whom they perceived as a statesmanlike figure untainted by involvement in the civil war.<sup>7</sup> A Nairobi-based diplomat was expressing a widely held view when he described Yusuf to Crisis Group as a non-starter, too unpopular in many parts of the country to have any real chance of emerging as the new head of state.<sup>8</sup>

After the second round of voting, Yusuf led Addow by enough votes for his supporters to argue that a further round was unnecessary, but the speaker of the TFP insisted that the contest be put to a third vote in order to eliminate any ambiguity. To his credit Yusuf assented and decisively increased his margin of victory.

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<sup>4</sup> This kind of "seat-swapping" became epidemic during the previous TNG (2000-2003) and eventually resulted in a rubber stamp parliament with little resemblance to the institution originally established at Djibouti. Although the Charter technically permits replacement of MPs whose seats have become vacant, it is intended to be applied in case of death or incapacitation, not for political expedience.

<sup>5</sup> See Crisis Group Report, *Biting the Somali Bullet*, op. cit., p. 5.

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<sup>6</sup> The issue of Islamist organisations in Somalia has been addressed in detail in Crisis Group Africa Report N°45, *Somalia: Countering Terrorism in a Failed State*, 23 May 2002, and will be the subject of a forthcoming report on terrorism in the Horn of Africa.

<sup>7</sup> Addow had in fact associated for a time with the late General Mohamed Farah Aydiid, earning the enduring hostility of some supporters of interim President Ali Mahdi Mohamed, with whom Aydiid fought in 1991-1992.

<sup>8</sup> Crisis Group interview, October 2004.

Subsequent accounts have alleged that Yusuf owed his victory to bribery and diplomatic pressure.<sup>9</sup> Eyewitnesses interviewed by Crisis Group claim that money changed hands both before and during the election with votes costing up to \$7,000<sup>10</sup> each; the origin of the funds is unclear.<sup>11</sup> Other sources attribute his victory to the influence of Ethiopia, which reportedly controlled a bloc of roughly 100 votes.<sup>12</sup>

### C. THE INTERIM PRESIDENT

Somalia's interim president is a veteran soldier and guerrilla leader, whose political ambitions have kept him in the national spotlight for nearly four decades. Yusuf's supporters explain his election by citing his statesmanlike qualities, long history of opposition to the Barre regime, and forceful, decisive leadership style. A firm hand, they argue, is needed to restore security and stability and impose the rule of law on a fractured and anarchic country. In the words of a sympathetic Western diplomat, Yusuf's control of Puntland and his influence elsewhere makes him "indispensable" to the peace process.<sup>13</sup>

Yusuf's detractors argue he is more warlord than statesman, a clan chauvinist and a proxy for Ethiopian influence. They are alarmed rather than inspired by his autocratic -- some would say dictatorial -- leadership qualities, and point to a track record marked more conspicuously by failure than success.

Elements of Yusuf's biography can be found to support both points of view. His early military career was derailed when he was imprisoned soon after the 1969 military coup that brought Major-General Mohamed Siyaad Barre to power. A common version of events argues that Yusuf had tried to engage Barre in a coup plot of his own the previous year and that the new president deemed him untrustworthy. Another portrays Yusuf as having been punished for refusing to take part in Barre's coup.

Yusuf was freed in 1975, but barely three years later he was back in the coup business. The 1977-1978 Ogaden War with Ethiopia had ended in a disastrous defeat for the Somali army, and Yusuf joined other disgruntled officers from his Majerteen sub-clan in an abortive mutiny.<sup>14</sup>

### 1. Guerrilla

The government's response to the plot was swift and effective. While other conspirators were put to death, Yusuf managed to flee to Ethiopia where he co-founded an opposition movement, the Somali Salvation Democratic Front (SSDF), and was appointed its first chairman. Libya, Ethiopia and the People's Democratic Republic of Yemen (PDRY) provided it with significant financial and military assistance, but the SSDF essentially remained an army in exile. Its greatest military success was the capture in 1982 of two remote Somali villages -- Galdogob and Balambaale -- so close to the disputed boundary with Ethiopia that Addis Ababa actually claimed them as its own. Unlike later Somali opposition factions, the SSDF never managed to establish an effective military presence inside the country or to mobilise visible public support.

Part of the problem was the SSDF's close association with Ethiopia. In the minds of many Somalis, memories of the Ogaden War were still raw, and Ethiopia remained very much the enemy. Not only was the SSDF based there, but its operations were closely coordinated with those of the Ethiopian forces, and its fighters sometimes operated from Ethiopian military bases. Subsequent Somali rebel movements were also located in Ethiopia -- they had no alternative -- but managed to retain greater independence.

The SSDF's most critical problem, however, was Yusuf's authoritarian leadership style. According to SSDF veterans, dissent within the movement was suppressed, generating tension and division.<sup>15</sup> As opposition to his leadership grew, SSDF factions trained their firepower increasingly on one another. A number of Yusuf's rivals in the movement are alleged to have been jailed or assassinated on his orders. The public assassination in Dire Dawa of Abdirahman Aydiid in October 1984 by gunmen loyal to Yusuf may have been the last straw: in early 1985, fearing that the SSDF was spinning out of control, the

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<sup>9</sup> Writenet/Practical Management, "Country Report on Somalia", 25 October 2004, p. 2, and Crisis Group interview with an Arab diplomat, November 2004.

<sup>10</sup> Figures denominated in dollars (\$) in this report refer to U.S. dollars unless otherwise indicated.

<sup>11</sup> Crisis Group interviews, Nairobi, October 2004.

<sup>12</sup> Oxford Analytica, "Somalia: Tough Road Ahead for Yusuf", 15 October 2004, at [www.oxan.com](http://www.oxan.com).

<sup>13</sup> Crisis Group interview, Nairobi, 8 October 2004.

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<sup>14</sup> The Majerteen are a sub-clan of the larger Darod clan.

<sup>15</sup> Crisis Group interview, Addis Ababa, November 2004.

Ethiopian government jailed Yusuf and several of his lieutenants.<sup>16</sup>

Between 1984 and 1991, Yusuf languished in an Ethiopian prison while the SSDF concentrated mainly on disseminating propaganda from its Ethiopian exile. His successors as chairman, including Mohamed Abshir Waldo and Hassan Ali Mire, were more astute politicians, but were unable to revive the Front's flagging fortunes. During the second half of the 1980s, SSDF fighters began to drift off to join their former adversary, the Somali National Army, or take part in the operations of more active Somali rebel movements while the SSDF watched from the sidelines.

## 2. Warlord

In May 1991, just months after the fall of the Barre regime, the rebel Ethiopian People's Revolutionary Democratic Front (EPRDF) seized power in Ethiopia. One of its first acts was to release political prisoners, and Yusuf returned home for the first time in nearly thirteen years. The political vacuum left by Barre's fall had been filled in northeast Somalia -- the area of Yusuf's Majerteen sub-clan -- by the SSDF, whose chairman at the time was General Mohamed Abshir Farah, a senior and widely respected former police general. Yusuf made no secret of his desire to resume leadership of the movement but agreed to put his military talents to work as chairman of its Defence Committee, leading the faction's war effort.

The civil war was a challenge at which Yusuf excelled, and between 1991 and 1993 his forces scored two decisive victories: the first against General Mohamed Farah Aydiid's United Somalia Congress (USC) in central Somalia, and the second in crushing an attempted coup in the northeast by the militant Islamist movement, *al-Itixaad al-Islaami* (AIAI). His campaign against the latter established his credentials as an anti-Islamist campaigner and would later become a central element in his relationship with both Ethiopia and the U.S.

Following the peace accord with the USC in 1993, Yusuf renewed his campaign for the SSDF

leadership. His bid to unseat General Abshir as chairman divided and gradually paralysed the movement. In 1996, SSDF leaders and their supporters took part in a conference, intended to form a new Somali government, at the Ethiopian resort town of Sodere. Their squabbling eventually threatened to scuttle the entire effort, and the Ethiopian government was obliged to convene a parallel conference to prevent a definitive split in the SSDF. The Sodere process broke down anyway in 1997 under pressure from a rival Egyptian initiative in Cairo. Then the Cairo conference broke down in turn when Yusuf and other faction leaders walked out, accusing the Egyptian government of bias toward faction leader Hussein Aydiid and his allies.<sup>17</sup> With the prospect of a new Somali government now beyond the horizon, the SSDF's leaders finally turned their attention to resolving their own differences and establishing a system of local government for northeast Somalia.

## 3. Puntland President

In 1998, at the conclusion of a four-month conference in Garowe, Yusuf was elected president of the newly established state of Puntland, a self-declared autonomous region of northeastern Somalia, which defines itself in terms of the areas inhabited by members of the Harti sub-clans of the larger Darod clan. Like its neighbour Somaliland to the west, Puntland acquired a reputation as stable and secure, with an embryonic local government.<sup>18</sup>

Puntland's successes were laudable, but they were only part of the picture. Under Yusuf's leadership, the new administration began to engage in a variety of more sinister activities. In contrast with the peace and stability it provided its own citizens, it provided a platform for the instigation of instability and violence elsewhere in Somalia. As Puntland president, Yusuf played a lead role in an Ethiopian-backed effort to unseat the TNG, funnelling military assistance to the members of the Somali Reconciliation and Restoration Council (SRRC) and to clan militias in the disputed border area between Puntland and Somaliland. A steady flow of arms and ammunition entered Somalia from

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<sup>16</sup> Yusuf's supporters often claim that he was arrested because he opposed the Ethiopian claim to the villages of Galdogob and Balamballe; if so, it is unclear why the Ethiopian government would have waited more than two years before taking action against him.

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<sup>17</sup> Since 2001, as leaders of the Somali Restoration and Reconciliation Council (SRRC), Aydiid and Yusuf have been in the same political camp.

<sup>18</sup> See, for example, the War Torn Societies Project, *Rebuilding Somalia: Issues and Possibilities for Puntland* (London, 2001).

Yemen via ports on Puntland's northern coast, often with the complicity of local officials.<sup>19</sup> Some were destined for Puntland militias, and in order to feign compliance with the UN arms embargo on Somalia, the Puntland authorities would occasionally stage "seizures" of weapons as a way of camouflaging what was "deliberate violation of the arms embargo by the authorities since the weapons inevitably end up in the hands of the Puntland security forces".<sup>20</sup>

Government revenues in Puntland derived mainly from duties and taxes on trade through the port of Boosaaso, as well as the region's major airports, but Yusuf also found less scrupulous ways of sustaining his administration. The simplest involved importing counterfeit currency ordered abroad -- a tactic that undermined the value of Somalia's paper currency market and contributed to the impoverishment of the population.<sup>21</sup> Another involved the environmentally catastrophic export of charcoal. The Puntland authorities officially banned the trade, but in fact allowed it to continue -- subject to lucrative taxation at checkpoints.

Another profitable option involved issuing fishing licenses to foreign companies, which UN experts have described as a "protection racket".<sup>22</sup> Yusuf has engaged various partners in this enterprise over the years, including a British private military company and SHIFCO. The latter, which is based in Yemen, is owned by a Somali businessman, Omar Munye, who in 1991 purchased the entire Somali fishing fleet from the first post-Barre "interim president", Ali Mahdi Mohamed, for \$500,000.<sup>23</sup> One of his ships was alleged by a panel of UN experts to have been involved in ferrying large-scale arms shipments to Somalia the following year, and he has remained a person of interest for subsequent monitors of the arms embargo. Five of his ships now ply Puntland's coastline, a privilege in exchange for which they make significant extra-budgetary contributions to the

Puntland administration.<sup>24</sup> Munye returned from Yemen to take up a seat in the TFP and, ironically, was at one point touted as a candidate for the post of Minister of Fisheries.

Lucrative as they may have been, these stratagems were insufficient to maintain Puntland's founding president in power beyond the expiry of his three-year term. Having failed to deliver a new constitution or general elections as required by the state charter, Yusuf sought to modify the state constitution in order to allow an extension of his mandate. When Puntland's Supreme Court overruled him and convened a conference to elect his successor, Yusuf refused to acknowledge the outcome and plunged the region into armed conflict.<sup>25</sup> After two years of fighting, he finally attained a decisive military advantage, albeit with Ethiopian assistance.<sup>26</sup> Under the terms of the 2003 peace accord, he was initially re-appointed president of Puntland for one year but secured a six-month extension, to 31 December 2004, due to his engagement in the Mbagathi peace talks.

#### D. THE TRANSITIONAL GOVERNMENT

Geedi's appointment as prime minister came on 4 November 2004, three weeks after Yusuf's inauguration. The delay may simply have been a reflection of the complex calculations of political and clan interest required but some observers felt that Yusuf's procrastination suggested a lack of focus. An authoritative report on the process argued:

[Yusuf chose] to devote most of his first month in office to meeting foreign dignitaries and to travelling abroad in search of recognition and aid. This preoccupation with external aid and recognition is reminiscent of the TNG in 2000 and is a worrisome sign that Yusuf prefers the diplomatic tour to the difficult and dangerous task of reviving a government inside Somalia.<sup>27</sup>

<sup>19</sup> Ernst Jan Hogendoorn, Mohamed Abdoulaye M'Backe and Brynjulf Mugaas, "Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1425 (2002)", United Nations Security Council (S/2003/223), p. 38.

<sup>20</sup> Johan Peleman, Edward Howard Johns, Pavanjeet Singh Sandhu, and John Tambi, "Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1474 (2003)", United Nations Security Council (S/2003/1035), p. 34.

<sup>21</sup> Hogendoorn et al., op. cit., pp. 40-42, and Peleman et al., op. cit., p. 37.

<sup>22</sup> Hogendoorn et al., op. cit., p. 44, and Peleman et al., op. cit., p. 34.

<sup>23</sup> Hogendoorn et al., op. cit., p.18

<sup>24</sup> Crisis Group interview, Nairobi, September 2003 and correspondence, November 2003. According to confidential reports obtained by Crisis Group, their catch is repackaged and sold as produce of the Seychelles.

<sup>25</sup> See Crisis Group Report, *Countering Terrorism*, op. cit., pp. 7-8.

<sup>26</sup> Hogendoorn et al., op. cit., p. 23.

<sup>27</sup> Writenet, op. cit., p. 2.

The role played in Geedi's nomination by Mohamed Omar Habeeb,<sup>28</sup> a long-time associate of Yusuf in the SRRC and an ally of Ethiopia, reinforced the impression that Yusuf had decided to install his allies in power instead of setting up a broad-based government of national unity. Rumours also began to circulate, confirmed by subsequent events, that Geedi was himself close to Addis Ababa.

As prime minister, Geedi's first challenge was to dispel such doubts by appointing a cabinet broad and inclusive enough to give the Somali public confidence while satisfying the requirements of the Charter, which mandates that ministers be members of parliament. Geedi is a political outsider, having spent much of the past decade working with local NGOs and international aid agencies. His lack of direct involvement in factional politics makes him attractive to many Somalis, who have tired of seeing the same, infamous leaders recycled over the years, but it means he came to his job perhaps unprepared for the rough and tumble of Somali politics. During the first week of December, after a month of hesitation, he finally announced his cabinet, heavily weighted with Yusuf's allies. Members of the SRRC were awarded two of the three deputy prime minister posts as well as, *inter alia*, the key ministries of foreign affairs and interior.<sup>29</sup> Figures from Yusuf's home area of Puntland were assigned defence, planning and international co-operation, petroleum and energy posts and telecommunications, road transport and aviation, and fisheries and marine resources. In total, including the prime minister, the cabinet had 79 members: three deputy prime ministers, 33 ministers, eight ministers of state and 34 deputy ministers, many of them with overlapping responsibilities.

Some appointees apparently were either not aware of, or did not agree with the composition of the cabinet. One minister of state and four deputies announced their resignations, and several others voiced criticism but did not relinquish their posts. Perhaps even more damaging was the leakage of a video showing a meeting between an Ethiopian diplomat, the interim

president and the prime minister, at which the Ethiopian appeared to be dictating cabinet appointments.<sup>30</sup> On 11 December 2004, 153 members of the 275-member TFP voted for a no-confidence motion, arguing that the newly appointed government was illegitimate and unrepresentative and forcing its dissolution. Yusuf dissolved the government but re-appointed Geedi and hinted that most of the original ministers would also keep their seats in a new cabinet.

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<sup>28</sup> Habeeb and Geedi are both members of the Hawiye/Abgaal/Harti/Warsengeli sub-clan. The transitional Charter permits vacancies in parliament to be filled by members of the same sub-clan, without specifying the process by which replacements are nominated.

<sup>29</sup> A close Somali observer of the process has identified as many as twelve SRRC members or allies in the cabinet. Khalif Hassan Ahmed, "The Appointment of Somali Transitional Federal Cabinet and Analysis", unpublished paper, 2 December 2004.

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<sup>30</sup> Crisis Group interview, Nairobi-based diplomat, December 2004.

### III. INTO SOMALIA

Immediately following Yusuf's inauguration, IGAD foreign ministers served notice on the new president that he was expected to relocate his government to Somalia no later than 15 December 2004 -- a point that Kenyan diplomats reiterated on several occasions. That date passed quietly, with the Somali leadership still exiled in Kenya, but the continuing, behind the scenes pressure on the TFG to return home is partly a question of principle: IGAD heads of government are convinced that a Somali government in indefinite exile could set a dangerous precedent for other strife torn countries. Some Western diplomats suspect also that the protocol problems posed by two governments operating from the same country have become a source of irritation to the Kenyan leadership.<sup>31</sup> Furthermore, despite donor contributions, the TFG's Kenyan hosts have accumulated a debt in excess of \$5 million for hosting the two-year conference and are not eager to maintain the Somali president, his entourage and 275 parliamentarians in Nairobi at public expense.

#### A. THE NATIONAL CAPITAL

The Transitional Federal Charter stipulates that Mogadishu is the national capital and makes no provision for an interim seat of government, but it is by no means certain where the TFG will initially settle. The decision will depend upon a combination of political, strategic and security calculations linked to the appointment of a cabinet and the possible deployment of foreign troops.

Prior to his election, sources close to Yusuf suggested that Kismayo would be a suitable alternative<sup>32</sup> -- a scenario perhaps not unrelated to a last ditch effort by General Mohamed Sa'id Hersi "Morgan" to capture the port city in October 2004. Morgan is a long-standing ally of both Yusuf and Addis Ababa. But his offensive collapsed with Kismayo still firmly in the hands of the Juba Valley Alliance (JVA). Even were the JVA to join Yusuf's government and offer Kismayo as an interim capital, it would be politically tendentious since Yusuf's clan is one of the groups contesting control of the town.

Speculation has since turned to Baydhowa, Jowhar and Beled Weyne as possible alternatives to Mogadishu. Jowhar has the advantages of being close enough to Mogadishu to be considered a suburb and under the firm control of Yusuf's SRRC ally Mohamed "Dheere". On the other hand, Jowhar would suggest that the TFG is beholden to Dheere's sub-clan. It has little infrastructure in which to house the Transitional Federal Institutions, limited revenues, and poor access and egress for foreign troops.

Baydhowa and Beledweyne are also secondary towns with rudimentary infrastructure and little local revenue but they are both accessible from Ethiopia, facilitating any international force deployment. Baydhowa has the added advantages of a long paved airstrip and better overland links to Mogadishu. It is, however, politically unstable and militarily contested. Adan Saransoor, one of several faction leaders from the Rahanweyne Resistance Army (RRA), has declared that he would oppose by force the relocation of the TFG to Baydhowa.

Notwithstanding speculation over the alternatives, Yusuf and some of his officials have repeatedly indicated that they intend to return directly to Mogadishu. A number of foreign governments have flagged this as a key measure of the TFG's public support and viability; failure to do so would certainly diminish the stature of the interim government both in Somalia and abroad. Though not impossible, relocating the interim government to the Somali capital would be a complicated and risky proposition. Mogadishu is the most fractured and violent city in the country, and Yusuf has few supporters there. A number of groups, including the city's Islamic courts and related Islamist militants, would be expected to oppose his authority actively. With a few notable exceptions, such as the former National Security Service (NSS) headquarters in north Mogadishu, most public buildings have been either destroyed, damaged, or occupied by squatters -- some of them armed. Offices lack water, electricity, communications and furniture and would be expensive to renovate. The prime minister and other Hawiye members of the cabinet might be able to mitigate some of these problems but much of Mogadishu is likely to remain beyond effective control of the interim government for the foreseeable future.

<sup>31</sup> Crisis Group interview, Addis Ababa, November 2004.

<sup>32</sup> Crisis Group correspondence, October 2004.

## B. CEASEFIRE AND DEMILITARISATION

If the TFG cannot bargain its way into Somalia, Yusuf has apparently considered shooting his way in. Soon after his election, he appealed to both the AU and the UN Security Council to authorise a 20,000-strong multinational force to "protect" his government and disarm Somalia's myriad militias.

In theory, at least, it is not clear why the TFG should require multinational protection. All major armed groups, including the JVA, RRA and Jowhar and Puntland administrations, hold seats in the transitional parliament, government or both: any one of them could provide a secure base for the TFG. Likewise, all major Somali clans are represented in the parliament and have agreed in principle to hand over their weapons to the TFG. Resistance should be confined to freelance militia, whose AK-47s and RPGs stand no chance against the technical vehicles and heavy weapons of the various faction leaders and businessmen associated with the TFG. Somalia's freelance militia should fear the new government, not the reverse.

A more realistic appraisal is that the commitment of many armed groups to the TFG is tenuous, and Yusuf is probably right not to trust his factional partners. His election victory has inevitably divided Somalia between winners and losers. Many, no doubt, resent his leadership and will retain control over their own weapons as a kind of insurance policy. Coercive disarmament, however, is not the solution. Multinational forces might indeed provide a disincentive for factions thinking of defecting and an added measure of protection were any to do so. But they would also risk becoming embroiled in multi-layered inter-clan conflicts in which they would present visible, high value targets. Under such circumstances, their withdrawal or extraction from areas of conflict could prove especially problematic.

Another problem with Yusuf's appeal for international intervention is that it has been widely interpreted as meaning that he wants foreign troops to do his fighting for him. A Somali professional working for the UN told Crisis Group: "It already appears as though Yusuf just wants to impose his rule on Somalia, and that's the quickest way to disaster".<sup>33</sup> All the more so if international forces are composed mainly of troops from the "Front-line States".

Since late 2002, at the request of the AU Peace and Security Council, the AU Commission has instead been studying options for voluntary disarmament in Somalia. A first AU reconnaissance mission, in May-June 2003, found no peace to keep: a ceasefire signed at Eldoret in October 2002 had been violated so many times it was practically devoid of meaning.<sup>34</sup> The mission was greeted in parts of Somalia by "hostile attitudes, intimidation and non-cooperation" and concluded "conditions were not yet ripe for the deployment of military observers in Somalia".<sup>35</sup> A second mission was dispatched in July-August 2004, covered a broad area and found the situation much improved. It proposed that a Military Observer Mission be deployed to carry out verification and monitoring operations jointly with Somali designated units.<sup>36</sup>

On 4-5 November 2004, the AU convened a "planning seminar" in Addis Ababa to review options and operational considerations for the Military Observer Mission but Yusuf's appeal for peace enforcers blindsided the AU and threatened to derail the planning process. At the seminar, his own representatives, echoed by four members of the TFP and the Kenyan Special Envoy to Somalia, Mohamed Affey, stuck doggedly to their demand for a robust "protection and restoration" force mandated to undertake coercive disarmament.<sup>37</sup> According to other participants, the Somali delegation rejected the proposal that an AU force be limited to verification and monitoring, and also an AU proposal that a ceasefire be concluded "prior to the deployment", which it called unreasonable.<sup>38</sup>

The TFG's objection to a ceasefire is based on Article 71 (8) of the Transitional Federal Charter, which states hopefully: "Effective from the conclusion of the Somalia National Reconciliation Conference held in Kenya, all militia organisations, armed groups and factions in the territory of the Somali Republic shall cease to exist and turn in their weapons to the Transitional Federal Government". But the Charter lacks sufficient detail to be applied as a verifiable ceasefire instrument and makes no provision for the deployment of foreign troops on Somali soil.

<sup>34</sup> See Crisis Group Report, *Biting the Bullet*, op. cit., p. 14.

<sup>35</sup> "Briefing on AU Reconnaissance Missions to Somalia", paper presented to the Planning Seminar on Stabilisation in Somalia During the Transition, Addis Ababa, 4-5 November 2004, p. 2.

<sup>36</sup> Ibid, pp. 2-5.

<sup>37</sup> Crisis Group interviews, Addis Ababa, November 2004.

<sup>38</sup> Crisis Group interviews, Addis Ababa, November 2004.

<sup>33</sup> Crisis Group interview, Nairobi, 13 November 2004.

AU officials shared with Crisis Group not only their surprise at Yusuf's request, but also their scepticism that it represented an appropriate way to restore peace and government to Somalia.<sup>39</sup> They intimated that the decision of the AU's Peace and Security Council will be guided less by the TFG's political agenda than by the capacity of AU planners to develop a persuasive concept of operations, the availability of trained and equipped forces, a headquarters to command them and the resources to sustain them. With the AU's embryonic peacekeeping capacity already stretched to the limit by operations in Burundi and Darfur, the options for deployment to Somalia are limited.<sup>40</sup>

The AU Peace and Security Council has so far declined to expand planning beyond a monitoring and observation mission. However, on 15-16 December 2004, at a follow-up to the Addis Ababa planning seminar, security and military experts meeting in Nairobi recommended that the AU deploy a "peace support mission" to Somalia "in support of the Transitional Federal Government's efforts within the context of a comprehensive security sector program aiming at restoring security, the creation of new security forces, and disarmament, demobilisation and reintegration (DDR)".<sup>41</sup> The experts recommended that the mission include elements of ceasefire monitoring, protection for the TFG and "vital installations" such as ports and airports, demobilisation and training of new security forces.

In keeping with the recommendations of the Addis Ababa seminar, the experts asserted that AU forces in Somalia should operate within a limited mandate and "not engage in combat with Somali armed individuals or groups beyond the need to discharge its protection purpose".<sup>42</sup> A Nairobi-based diplomat described the mission, however, in terms of a "Chapter Six and a half mandate" (referring to sections of the UN Charter dealing with peacekeeping), implying that AU forces would have more robust rules of engagement than traditional peacekeeping missions. The Peace and Security Council was expected to review the recommendations and reach a final decision prior to the AU's 10 January 2005 summit meeting.

## C. TRANSITIONAL CHALLENGES

Assuming that the transitional government does indeed return safely to Somalia, it will have five years within which to discharge its duties and work its way out of a job. Critics have argued that the time frame is too long and may tempt the TFG to behave as a permanent institution rather than a temporary one, but the scope of the twin challenges of peace building and state building probably justifies the exceptionally long transition.

### 1. Reconciliation

After a decade and a half of conflict and hundreds of thousands of deaths, Somalis have much healing to do. It is, therefore, curious that the Transitional Federal Charter should give so little guidance about how reconciliation might best be achieved. Article 4 requires that the Charter be interpreted in a way that "promotes national reconciliation, unity and democratic values", and Article 68 proposes establishment of an independent National Commission for Reconciliation (NRC). No reference is made to transitional justice.

The formation of a National Reconciliation Commission is a necessary, but by no means a sufficient, step. For Somalis to take it seriously, the NRC's credentials must be beyond reproach. Its membership should consist of eminent persons, broadly representative of Somali society and credible within their respective constituencies.

The transitional Charter assigns the Council of Ministers responsibility for nomination of independent commissions, subject to parliamentary approval. In the polarised post-war climate, such a formula is unlikely to imbue commissions -- especially the NRC -- with the authenticity and legitimacy they require. The Council would do well to cede this duty to parliament, retaining only nominal authority over the commissions, as required by the Charter. Likewise, the NRC's powers, its scope of work, and any reports it is assigned to produce would best be determined by and delivered to the TFP. The more closely the NRC is linked to the executive, the less well-equipped it will be to fulfil its critical responsibility.<sup>43</sup>

<sup>39</sup> Crisis Group interviews, Addis Ababa, November 2004.

<sup>40</sup> For discussion of those options, see Section IV B below.

<sup>41</sup> Working Group No. 1, *Peace Support Mission*, paper produced by Meeting of Security and Military Experts on the Stabilization of Somalia, 15-16 December 2004, Nairobi, Kenya, p.1. Emphasis in the original.

<sup>42</sup> *Ibid*, p. 2.

<sup>43</sup> The experience of the TNG (2000-2003) is instructive. Its NRC included many respected and credible figures but the announcement of their appointment by Prime Minister Ali Khalif Galaydh robbed the body of its independence and

To function effectively, the NRC will require structures at the regional level and perhaps below. Most regions are affected in one way or another by inter-clan conflicts, and several major municipal centres, including Mogadishu, Kismayo, Gaalka'yo and Bardheera, are unlikely to stabilise unless local disputes are painstakingly resolved. Untangling the web of claims and counter-claims in each area will require lengthy and broad-based consultations between various groups over months or even years.

Land and property disputes merit special consideration in the reconciliation process.<sup>44</sup> Some regions, notably Banadir (including Mogadishu), Lower Shabelle and the Juba Valley, are more seriously affected than others, mainly because they contain large areas of fertile agricultural land. The disputes vary widely: some date from the early colonial period, others from the post-independence era, and still others from the war years. Establishing a credible, impartial mechanism for their resolution will not be easy: many Somalis will expect rulings on land and property issues to reflect the bias of the sitting president. Yusuf's predecessor, Abdiqasim, was widely perceived as endorsing the expansion of his Habar Gidir kinsmen into areas south of Mogadishu during the civil war; Yusuf himself will be expected to favour the century-old claims of his Harti clan to parts of Mudug region and Kismayo town -- claims that are contested by members of other clans.

The failure of the transitional Charter to mention transitional justice threatens to leave a grave lacuna in the fabric of reconciliation -- an issue that has recently been thrown into the spotlight by cases before U.S. courts against two high profile officials of the Barre regime.<sup>45</sup> A number of TFG ministers and members of parliament are alleged to have committed war crimes or crimes against humanity on behalf of the Barre government. A far larger number of Somali leaders have been responsible for human rights abuses carried out by militia forces during the civil war. In many parts of the country, abuses continue to the

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impartiality. The chairman and other commissioners were aware of the error, and the NRC never began work.

<sup>44</sup> Crisis Group Africa Report N°59, *Negotiating a Blueprint for Peace in Somalia*, 6 March 2003, pp. 7-8.

<sup>45</sup> The Centre for Justice and Accountability, an American group, filed suits on behalf of eight plaintiffs alleging human rights violations against former Somali Prime Minister and Defence Minister Mohamed Ali Samatar and Yusuf Abdi Ali "Tuke", a former army colonel. See William Branigin, "Lawsuits Filed Against Two Somalis in Northern Virginia", *The Washington Post*, 12 November 2004.

present day. Amnesty International has argued, apparently without success, that it should be "unacceptable for those responsible for such crimes to be included in any new government".<sup>46</sup>

Transitional justice will be especially important if and when the TFG eventually engages in dialogue with Somaliland. The vast majority of the abuses and atrocities committed in northwest Somalia between 1983 and 1990 were not simply the "collateral damage" of a brutal civil war, but the deliberate policy of a criminal regime; the perpetrators of the acts are generally well known and much evidence of command responsibility has been accumulated. Southern leaders have repeatedly deflected this issue on the grounds that the Barre regime included Isaaq and other northerners, and responsibility for the war crimes is thus shared. This should in no way be allowed to undermine the need to identify, and preferably punish, those responsible; nor should it prevent a new government from formally acknowledging and taking a degree of responsibility for the actions of its predecessor. Failure to do so would reinforce and arguably validate Somaliland's separatist agenda.<sup>47</sup>

## 2. Revenue and economic infrastructure<sup>48</sup>

The transitional government was born impoverished. Unlike the TNG established four years ago in Djibouti, it has so far found no major foreign patrons to cover its running costs. It will need money, and fast, if it is not to collapse altogether in the near future. Few governments are willing, or able, to provide direct budgetary assistance to a government whose survival is uncertain and which is already indebted to the tune of roughly \$2.5 billion.<sup>49</sup> The UN has begun to explore how to establish a budgetary support mechanism that would permit interested donors to contribute funds to an internationally managed and audited account but this is unlikely to meet the TFG's total needs or to provide political leaders the kind of "soft" money they seek for patronage purposes.

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<sup>46</sup> Amnesty International, "Somalia: No Lasting Peace without Human Rights", Eldoret, 7 November 2002.

<sup>47</sup> These issues are addressed in greater detail in Crisis Group Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit., pp. 12-13.

<sup>48</sup> For further discussion of the challenges of economic recovery in Somalia, see *ibid.*, pp. 8-9.

<sup>49</sup> The sum of accumulated debts and interest from the previous regime.

Somalia is not without income: various administrations and authorities throughout the country probably collect between \$80 million and \$100 million each year, mainly through control of economic infrastructure such as ports and airports.<sup>50</sup> Members of the TFG currently control most of these assets, and under Schedule I of the transitional Charter they are theoretically obliged to hand them over to the central government. So far, there has been no deliberation of how, when or even whether they intend to do so. If they do not, the TFG must move quickly to identify alternative sources of revenue or it will soon starve.

Its options are limited. Mogadishu's main port has been closed since 1995; Kismayo is in the hands of the JVA. President Yusuf retains a degree of influence over the port of Bosaaso, but its earnings are required to sustain the administration of Puntland, and there is likely to be very little left over for the interim government. All airports in the south -- notwithstanding Puntland -- are either in private hands or under control of local militia groups.

The TFG is likely to encounter stiff resistance if it tries to take control of economic infrastructure and will probably only be able to do so by offering significant concessions. In Mogadishu, for example, a wide variety of actors are capable of interdicting port traffic through direct or indirect fire. Among these are militia leaders linked to the Banadir Group, a consortium of businessmen who manage the nearby port at 'Eel Ma'aan and stand to lose their business if Mogadishu's main port becomes active again. The TFG must offer the Banadir group a significant stake in the management of Mogadishu port if it seeks their cooperation; the mainly Habar Gidir Suleyman militia who have provided "protection" for the port in recent years will also seek compensation in return for a peaceful transfer of control to the TFG.

Kismayo offers a similarly complex challenge. The port is controlled by the JVA, a joint force of mainly Mareexaan and Habar Gidir 'Ayr militia. Although the JVA is represented in the TFG, its leaders have counted Yusuf among their adversaries in recent years. Many 'Ayr political figures blame Yusuf, among others, for the failure of TNG president Abdiqasim and may be reluctant to co-operate with their erstwhile enemy. Shifting alliances, however, are a salient feature of the Somali political scene, and it is entirely possible that the TFG will manage to co-

opt at least part of the JVA. Failing that, Yusuf may be tempted to divide the alliance by appealing to the allegiance of the Mareexaan as members of the Darod community. Playing the Darod card in such a way, successfully or otherwise, would reinforce impressions, however, of the TFG as the property of one camp in the civil war, rekindle inter-clan tensions between the Hawiye and the Darod, and potentially unravel the peace process.

In the worst-case scenario, a financially desperate TFG might try to take either of these facilities -- or possibly another -- by force. Not only would such a gamble risk violent conflict, but the combination of economic, political and clan interests at stake might conceivably destroy the peace process altogether. Yusuf's best option is probably slow and painstaking negotiations with the groups concerned.

### 3. Federalism

The title "The Transitional Federal Charter of the Somali Republic" is in several respects deeply misleading. First of all, it suggests Somalia will possess the characteristics of a federal state during the transitional period. In reality, it is likely to remain a heterogeneous patchwork of local and regional entities for the foreseeable future, with only Puntland initially meeting the criteria for a federal unit. The degree to which functional inter-regional authorities can be established elsewhere in southern Somalia and negotiate mutually productive relationships with the central government will be a key measure of the success (or otherwise) of the TFG.

Secondly, the Charter gives the impression that consensus exists on the need to reconstitute the country as a federal state. This is far from the truth: federalism remains poorly understood, deeply divisive and hazardous to implement.<sup>51</sup> In spite of the collapse of governing institutions, Somalis have by and large remained attached to the eighteen administrative sub-units or "regions" established under the Barre regime. All feature a town generally acknowledged to be the regional "capital" and at least one self-proclaimed "governor". Amalgamation or division of existing regions, together with the appointment of new officials, will challenge the status quo, introducing new questions of power, status, and equity into inter-clan relations. Groups who have felt disadvantaged by

<sup>50</sup> Somaliland accounts for \$20 million to \$30 million of this total.

<sup>51</sup> See Crisis Group Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit., pp. 5-7.

the status quo will probably welcome change; those who have benefited from it will not.

The idea of a federal structure in the post-Barre period originated in the northeast (Puntland), where it was first expressed by the SSDF leadership in January 1997.<sup>52</sup> The SSDF pledged to work toward a province or state in northeast Somalia, and in July 1998, Puntland State of Somalia was established as a building block in a future federal state. Most Somalis assumed that the Digil-Mirifle communities of Bay and Bakool would also support a federal structure since their leaders had campaigned for this since the 1950s. But no other Somali group has formally shown any enthusiasm for federalism, and some vigorously opposed it.

The establishment of Puntland gave fresh impetus to the debate over federalism, and the federalist agenda was further strengthened in 1999 when IGAD and its partners adopted a "bottom up, peace dividend" approach to political reconstruction in Somalia. The "building blocks approach", as it came to be known, envisioned comparatively greater international engagement in and support for stable areas of the country. Even proponents of the "building blocks" approach recognised, however, that it did not offer "a neat formula for the administrative sub-division of Somalia along ethnic or clan lines" and cautioned against a "map-making exercise in ethnic paint-by-numbers".<sup>53</sup> The facts on the ground spoke louder than theory: the only existing building blocks, Puntland and the areas controlled by the RRA in south-western Somalia, were both defined by clan.<sup>54</sup>

For many Somalis, the "building blocks" approach was suspect because of its apparent similarities to Ethiopian "ethnic federalism" and its promotion internationally by the Ethiopian government. Somali unitarians and "nationalists" were, therefore, relieved when the Djibouti-sponsored "Arta Conference" of 2000 derailed it and restored -- at least on paper -- a strong, centralised government.

The adoption of a federal structure and Yusuf's accession to the presidency together suggest that the pendulum has swung decisively back toward "building blocks". This makes many Somalis uncomfortable, and resistance to federalism is likely to become increasingly organised and vocal during the transitional period. By insisting that the future constitution be submitted to a referendum, unitarians hope that federalism will ultimately be rejected by popular vote. If that happens, the TFG risks a constitutional crisis in the final year of its term.

Resolving these contradictions will fall to the Federal Constitutional Commission mandated by the transitional Charter. It will naturally be tempted to plunge straight into identification and delimitation of the new regions or provinces and to negotiate their division of power and responsibility with the central government. Before so doing, the Commission needs to address an even more fundamental issue: inviting open and frank public debate on the federal issue from a Somali perspective -- a perspective that is perhaps best summarised in the terms *u dhashay*, *ku dhashay* and *ku dhaqmay*.

The concept *u dhashay* relates to clan affiliation and is analogous to the Western legal term *jus sanguinis*. It finds political expression in Puntland, for example, which defines itself as the homeland of the Harti clans. The term *ku dhashay* pertains to birthright and is closer to the Western concept of *jus solis*. Although this usually involves elements of clan affiliation, it also allows for members of "alien" clans to enjoy the same rights as "natives" if they are born in the same territory. This concept is enshrined in the constitution of Somaliland.

Both of these concepts suggest a form of decentralisation -- possibly federalism -- in which citizens born in certain areas or belonging to certain areas enjoy fuller political, economic and social rights in those areas than "alien" Somalis. They imply limitations on the right of a person to vote, hold public office, or possibly even own land and property in an area in which their clan is not "indigenous".

The term *ku dhaqmay* implies a form of naturalisation, meaning that all Somalis may settle and enjoy equal rights everywhere within the country, regardless of where they are born or their clan affiliation. While most Somalis agree in principle with this "nationalist" position, many also feel that it has been exploited by members of some groups at the expense of others. Many Rahanweyne, for example, believe that they

<sup>52</sup> War Torn Societies Project, op. cit., pp. 19-20.

<sup>53</sup> Matt Bryden, "New Hope for Somalia? The Building Block Approach", *Review of African Political Economy* (1999), pp. 134-140.

<sup>54</sup> Somaliland initially was essentially an Isaaq clan entity but has since evolved into a more complex political structure, and its leadership rejects the clan-based paradigm of Puntland. See Crisis Group Report N°66, *Somaliland: Democratisation and its Discontents*, 28 July 2003.

have suffered at the hands of their Hawiye and Darod neighbours and would like a degree of legal and political protection to ensure that abuses are not repeated. The expansion of Habar Gidir militia and commercial interests into the Lower Shabelle and Juba Valley since 1991 is also widely perceived as having exploited the principle of *ku dhaqmay* at the expense of the residents of those areas.

As a vigorous proponent of the *u dhashay* system embodied by Puntland, President Yusuf is hardly a neutral figure in this crucial national debate. If his government establishes a process through which Somalis can come to a consensus and enshrine their agreement in a permanent constitution, the country may achieve lasting peace; if not, the legacy of perceived injustice and inequality may sow the seeds of future division and conflict.

#### 4. Political Islam

Somalia's Islamist<sup>55</sup> community has emerged as an early source of opposition to the TFG. The country's Islamists are still very much in the minority: most Somalis practice traditionalist Sufism inspired by the Shafi'i *madhab* (legal school) of Islam. But Islamist denunciations of Abdillahi Yusuf as a warlord, incipient dictator and an ally of Ethiopia may, nonetheless, resonate with a broader audience. Although the Islamists alone do not pose a serious challenge to the interim government, their interrelationship with kinship networks and commercial interests means they cannot be ignored.

Islamist antipathy toward Yusuf as a leader dates from at least 1992, when the fighters of *al-Itixaad al-Islaami* took prisoner over 40 senior leaders of the SSDF -- including Yusuf -- during their failed coup attempt in the northeast. Under public pressure, the militants released their captives unharmed but Yusuf and other SSDF commanders pursued them ruthlessly, bringing them to battle several times and killing roughly 600. As president of Puntland, Yusuf has continued to resist Islamist political activity, but has been unable to prevent the spread of their influence through mosques, businesses and the judiciary. Since the 11 September 2001 terrorist attacks in New York and Washington, Yusuf has

aligned himself closely with both Ethiopia and the U.S. in their counter terrorism efforts. The Puntland Intelligence Service (PIS), in collaboration with the American government, has apprehended numerous suspected militants since 2002 and has extended its surveillance capability to distant parts of southern Somalia.

Yusuf's election predictably galvanised hard-line Islamists. In Mogadishu, Colonel Hassan Dahir Aweys, a deputy chairman of the Islamic courts and former military commander of *al-Itixaad*, has been sharply critical of Yusuf and threatened "jihad" if any foreign troops are deployed on Somali soil.<sup>56</sup> In early November 2004, in an interview with the Mogadishu radio station, HornAfrik, Aweys revealed that Islamic groups had begun to arm themselves in anticipation of a foreign military deployment.<sup>57</sup> Aweys's ally, Yusuf "Indha Cadde", the "governor" of Lower Shabelle region (appointed by the TNG) and leader of the Islamic courts of Lower Shabelle, also announced that he would oppose any foreign military deployment.<sup>58</sup> Both leaders are from the Habar Gidir 'Ayr and have in the past demonstrated ability to mobilise resistance on clan, as well as religious, grounds. Another Islamist organisation, *Majma'a 'Ulimada Soomaaliyeed*, has also announced opposition to foreign troops. Its chairman, Sheikh Ahmed Abdi Dhi'isow, opposed deployment on religious grounds and asserted his group would oppose the TFG if it did not govern in accordance with Islamic law.<sup>59</sup>

Moderate Islamists, including the leaders of the socially active *al-Islaax* movement, have been less outspoken, since they have historically placed greater importance on the restoration of government to Somalia than the nature of the leadership. But they are well aware that Yusuf and his allies,

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<sup>55</sup> In the usage adopted by Crisis Group, "Islamism" is Islam in political rather than religious mode. "Islamist movements" are those with Islamic ideological references pursuing primarily political objectives, and "Islamist" and "Islamic political" are essentially synonymous.

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<sup>56</sup> M. Hassan, "Sheekh Xasan Daahir Aweys oo Sheegay in ay la Dagaalami doonaan Ciidamada uu dalbaday Madaxweynaha Soomaaliya", AllSomali.com, Nairobi, 27 October 2004. Aweys is also one of the few Somalis named in Executive Order 13224, the U.S. government's "Comprehensive List of Terrorists and Groups".

<sup>57</sup> "Culumaa'udiinka Muqdisho oo wada hub urursi", HornAfrik, Mogadishu, 10 November 2004.

<sup>58</sup> "Saransoor iyo Indhacade oo ku gacan seyray keenida ciidamo shisheeye dalka Soomaaliya", HornAfrik, Mogadishu, 10 November 2004. Indha Adde's comments were made in the context of a joint press conference with a leader from the Rahanweyne Resistance Army, Adan Mohamed Nur "Saransoor".

<sup>59</sup> "Ugaarsiga saraakiisha ciidamada Soomaaliyeed oo lagu eedeynayo dowlado shisheeye", HornAfrik, Mogadishu, 8 November 2004.

including the Ethiopian government, have in the past failed to distinguish between militant and moderate Islamists, considering them ideological partners in a common project of Islamicising Somalia. The TFG must ensure that it does not unnecessarily antagonise moderate Islamist groups, or it may nudge them into common cause with militants.

Militant Islam is confined to no single clan or region, although it has thrived in the lawless city of Mogadishu and its environs. The murders of four foreign humanitarian aid workers in Somaliland between late 2003 and early 2004 have thrown light on the extent of the extremist threat and the diversity of its membership. Several "jihadi" leaders have since been apprehended or killed, giving militants good reason to fear Yusuf's Ethiopian and American links. In the first TFG cabinet, the national security portfolio was assigned to Mohamed Qanyare Afrah, a Mogadishu faction leader who is also closely associated with U.S. counter-terrorism efforts in Somalia. From the perspective of Somalia's Islamist militants, resistance to the TFG may not just be an article of faith, but a matter of survival.

## **5. Puntland<sup>60</sup>**

When Yusuf ascended to the presidency of the TFG on 10 October 2004, Puntland was suddenly left without a head of government. The gap was hastily and eagerly filled by Vice President Mohamed Abdi Hashi, in keeping with the statelet's battered constitution. Hashi's term of office expires on 31 December 2004, and Puntland leaders gathered in Garowe in late November to decide how to replace him. Their deliberations are continuing.

The Garowe conference signals the onset of a serious power struggle in Puntland, the form of which has already begun to take shape. Hashi has made clear his intention to hang on to the presidency but his prospects for re-election are remote. As vice president he earned the reputation of an irascible and erratic leader, and he belongs to the Dhulbahante clan, a junior partner to the more numerous Majerteen clan in Puntland's political calculus. He seems to be pinning his hopes on an extension of his mandate until local

and presidential elections can take place, rather than winning re-election in an open contest.

Hashi's challengers may include his own vice president, Mohamed Gaagaab, a respected and highly competent parliamentarian, who is a close ally of Yusuf and a member of the same Omar Mohamud sub-clan.<sup>61</sup> Gaagaab has so far shown little interest in the presidency but his recent appointment as Hashi's deputy suggests Yusuf intends to maintain control of the Puntland administration. That is unlikely to sit well with other groups, who feel he should be content with his higher office. The Omar Mohamud will, therefore, be under pressure to pass the torch to other clans.

Another serious contender is General Adde Musa, a respected former military officer who led the opposition military forces against Yusuf in 2002 and orchestrated the agreement that restored peace to Puntland in 2003. He is a member of the royal Osman Mohamud lineage of the Majerteen, who have long chafed under Yusuf's leadership. Yusuf, however, allegedly seeks to counter Musa's candidacy by promoting other Osman Mohamud candidates and splitting the clan's vote.

It is a healthy sign that the contest for Puntland's leadership should be so lively and is likely to become even more so in coming months. But political transitions in Somalia are tricky at the best of times: Puntland's last ended in civil war. Whoever emerges as the new president will face a raft of problems left over from the previous leadership. The regional government's coffers are empty, reportedly because of the demands of Yusuf's political war chest, and the security forces have not been paid for over six months. The costly border dispute with Somaliland threatens to resume in earnest unless a political settlement can be found. And if the TFG manages to reopen Mogadishu port, significant traffic and revenues will be diverted from Boosaaso. Puntland's political and traditional leaders will have to work harder than ever to preserve peace and security in their remote corner of Somalia.

## **6. Somaliland**

Some of the most strident criticism of the TFG has come, not unexpectedly, from Somaliland, the territory of some 2 million people in the north west that declared its independence from Somalia in 1991 and has enjoyed relative peace and stability under its

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<sup>60</sup> Puntland defines itself in terms of the territories inhabited by the Harti clans of the Darod clan family. The largest Harti clan is the Majerteen, followed by the Dhulbahante and the Warsengeli. They are mainly found in northeast Somalia but also represent a significant minority in Kismayo.

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<sup>61</sup> The Omar Mohamed sub-clan of the Majerteen.

own administration ever since.<sup>62</sup> Within days of Yusuf's election, the Somaliland government warned that any attempt by the interim government to interfere in its affairs would be considered a cause for war.

Until the formation of Puntland, Somaliland's claims to Sool and eastern Sanaag -- populated mainly by the Dhulbahante and Warsengeli clans (both members of the Harti clan family) respectively -- had been formally uncontested. Respected leaders from those regions had endorsed Somaliland's 1991 declaration of independence as well as the 1993 charter, in which it was re-affirmed. In practice, many members of the Harti clans were unenthusiastic about the prospect of separation from Somalia, and Somaliland's authority over those regions was limited. The establishment of Puntland in 1998 offered, for the first time, an alternative focus of loyalty for Harti opposed to Somaliland's independence. Yusuf shrewdly encouraged the inclusion of Dhulbahante and Warsengeli representatives in Puntland as a way of broadening his own support base and countering opposition to his leadership from within the Majerteen

Initially, neither administration asserted effective control over the Harti areas, but in December 2002 the Somaliland president was almost assassinated by pro-Puntland militia during a visit to the disputed town of Laas 'Aanood. In 2003, Yusuf despatched sufficient militia to the region to take effective control of Laas 'Aanood, escalating tensions in the region while bolstering his credentials as a guarantor of Somali unity. His election as TFG president in October 2004 and his replacement in Puntland's top post by Hashi, a pugnacious political figure from Laas 'Aanood, unbalanced a precarious situation even further: just two weeks after Yusuf's triumph in Nairobi, Puntland forces attacked a Somaliland platoon close to Laas 'Aanood, triggering clashes in which an estimated 100 people died. Both sides mobilised, and the incident threatened to escalate into full-scale war.<sup>63</sup> By mid-November 2004, under domestic and international pressure, the authorities in Somaliland and Puntland were showing signs of

restraint. But in the absence of a political solution, the military lull will not last indefinitely.

The international community, led by the AU and IGAD, has denounced the violence and called for restraint. But these appeals have lacked any practical substance. The first step toward peace should be a cessation of hostilities and the withdrawal of regular military forces to positions held before the clashes. The area between the two should be demilitarised, although Dhulbahante clan militia with different political affiliations will no doubt continue to exist. Restraining these groups, however, should be primarily a responsibility of the Dhulbahante traditional leadership.

Consolidation of the peace will require at least the prospect of a political solution. Since this involves Somaliland's claims to statehood, the dispute can probably best be resolved within the framework of a Somaliland dialogue with the TFG rather than with Puntland. The AU, UN or another neutral third party should, therefore, commit to opening a diplomatic process, once the TFG has managed to establish a functional presence inside Somalia, in which Somaliland's claims would be taken into consideration. In the meantime, governments should refrain from gestures implying that Somaliland's case for recognition hinges on control of Sool region. Linking the argument over independence to control over the disputed border areas could persuade the leadership in Hargeysa that it must choose either peace or sovereignty. Its reaction to that choice would not be in much doubt.

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<sup>62</sup> An overview of Somaliland's history, political dynamics and case for independent statehood is contained in Crisis Group Africa Report N°66, *Somaliland: Democratisation and its Discontents*, 28 July 2003.

<sup>63</sup> Differing versions of this incident have been given by the authorities on both sides and by their sympathisers in the media. Crisis Group's research suggests that Puntland forces initiated the fighting but may have done so by mistake and were certainly unprepared for an engagement on the scale that subsequently took place.

#### IV. INTERNATIONAL DYNAMICS

The Transitional Federal Government is as much -- if not more -- the product of regional detente as of a peace deal between Somalis. When the Mbagathi talks foundered in May 2004, Crisis Group warned that regional divisions and the lack of broader international engagement threatened to scuttle the peace process entirely.<sup>64</sup> At the sixth IGAD Ministerial Meeting on Somalia on 21-22 May, the "Front-line States" reaffirmed their unity of purpose and overcame differences to allow the process to go forward. In the aftermath of Yusuf's election, however, regional divisions have begun to resurface -- not only between regional powers, but also within the wider international community.

Within the region, roles have been reversed. Ethiopia, patron of opposition to the now defunct TNG, is widely perceived as the author of the new TFG.<sup>65</sup> Kenya, whose relations had been noticeably distant with the TNG, has also emerged as an ardent TFG supporter. Conversely, the TNG's former sponsors -- Djibouti, Egypt and the Arab League -- have received Yusuf coolly.

Western countries are almost as clearly polarised. Italy appears to have embraced the TFG and is eager to assert leadership on Somalia. An Italian diplomat praised Yusuf's newfound statesmanship to Crisis Group, suggesting that Rome could take some of the credit for making him "a man he was not seven months ago".<sup>66</sup> The Italian parliament has already pledged resources for the TFG. Other donors, including the U.S. and UK, have been more diffident, demanding that the TFG first return to Somalia and concentrate on its transitional responsibilities.

Divisions were on display in Stockholm on 29 October 2004, when concerned parties gathered to discuss the Somali peace process. President Yusuf was not invited. On the agenda were a draft Declaration of Principles and the "international architecture" intended to structure a common approach to engagement with the TFG, but differences within the donor community threatened to paralyse the talks altogether. Ultimately, Sweden

hammered out a compromise with the following elements:<sup>67</sup>

- a Declaration of Principles (DoP) to guide cooperation between the TFG and the international community. The draft DoP, which will become final following discussions with the TFG, includes commitment on the latter's part to establish a secure environment in Somalia; promote reconciliation; resolve differences through dialogue; complete the transitional tasks described in the Charter; respect human rights and ensure humanitarian access;
- Structured Coordination Modalities to assist in monitoring TFG progress on the DoP; and
- a Joint Coordination and Monitoring Committee (CMC) about the DoP, which would eventually subsume arrangements for technical assistance and aid coordination, such as the Somalia Aid Coordinating Body (SACB).

To neutralise inter-governmental competition, participants at the Stockholm meeting agreed that the CMC should be jointly chaired by the TFG and the UN, suggesting that the UN Secretary General might need to beef up political representation to Somalia by appointing a Special Representative. In the meantime, the CMC, which is based in Nairobi, will be headed by an interim "troika" -- UN, IGAD and the IGAD Partner Forum (IPF). In practice, this provisional structure promises to award two of Somalia's more forward leaning partners (Italy and Kenya) disproportionate roles, raising concerns among donors who favour a more measured approach.<sup>68</sup>

The UN Security Council has leaned toward caution in its dealings with the TFG. At the extraordinary session in Nairobi on 18-19 November 2004 to consider the Sudanese and Somali crises, it welcomed the Somali transitional institutions and permitted Yusuf to address it. The Council's main message, however, seems to have been emphasis on Somali responsibility for the peace process. Yusuf's request for troops got short shrift, especially from the U.S. and UK. The Council also welcomed a lead role for the UN in the coordination of support for the TFG but stopped short of authorising a full-blown peace-building mission -- a proposition later explored by a

<sup>64</sup> See Crisis Group Report, *Biting the Somali Bullet*, op. cit.

<sup>65</sup> Ethiopian officials interviewed by Crisis Group, however, deny any special relationship with the TFG. Crisis Group interview, November 2004.

<sup>66</sup> Crisis Group interview, Nairobi, September 2004.

<sup>67</sup> Taken from the "Chairman's Summary: Stockholm Meeting on Somalia", 29 October 2004.

<sup>68</sup> Crisis Group interviews, Nairobi and London, October 2004.

mission to Nairobi from the UN Secretariat in mid-December.

## **A. RECOGNITION AND ENGAGEMENT**

The divisions in the donor community reflect widely differing positions on how closely to engage the TNG and to what extent it should be recognised as a sovereign political entity. Some, including Italy, Kenya and Ethiopia, believe it must be given unqualified support in order to boost its legitimacy and discourage potential spoilers. Others, notably the UK, the U.S. and the Nordic countries, are inclined to emphasise its caretaker, interim role in order to prevent the new leadership from overplaying its hand, while encouraging it to fulfil its transitional responsibilities.

These differences are informed in part by conflicting interpretations of the failure of the TNG formed at Djibouti four years earlier. A common explanation is that it was the result of too little international support: assistance and recognition came too little, too late -- or not at all. This version may appear valid when contrasted with the experience of Afghanistan's interim government, but it overlooks the relatively significant levels of support and recognition that the TNG did in fact receive. It was admitted to the UN, AU, Arab League and IGAD before it had even established a toehold inside the country. Interim President Abdiqasim and his officials squandered \$30 million to \$60 million in foreign aid to no visible effect and failed to establish their authority beyond a few blocks of the capital. Although TNG supporters have typically blamed its lack of progress on Ethiopian support for the opposition, their adversaries in the SRRC were lucky if they received a fraction of that assistance (almost all in the form of arms and ammunition, not cash) over the same period.

A less common, but more realistic view, is that the TNG's failure was fundamentally one of leadership. Abdiqasim and his officials devoted most of their skills and energies to the quest for external rather than internal legitimacy. Every time the president or a minister received a red carpet reception abroad or attended an international conference, it was related excitedly by supporters and media sympathisers at home to demonstrate that Somalia at last had a real government. Somalis who lacked the luxury of foreign travel were all too aware that nothing tangible had changed, and their leaders at all levels were engaged

in a feeding frenzy over anticipated patronage rather than building a functional administration.

Not surprisingly, many in the international community have concluded that the new TFG should be encouraged to behave very differently, that it should be reminded every day of its limited, transitional mandate and judged on its capacity to govern rather than on diplomatic acrobatics. This implies a process of incremental and progressive recognition, linked to performance inside Somalia. In view of the Somali leadership's inflated expectations of financial and military aid, it seems reasonable to expect this approach will help to ground the TFG more firmly in reality and, ultimately, yield more enduring results.

The embryonic Coordination and Monitoring Committee (CMC) seems likely to emerge as a critical element in mediating the divergent perspectives and expectations. Since the UN has been assigned leadership of this body, the head of the UN Political Office for Somalia (UNPOS) should be upgraded from Representative of the Secretary General (RSG) to Special Representative (SRSG). If so, it will be essential to assign a diplomat from a country with no major historical or strategic interest in Somalia. Planning for the expansion of the UNPOS role should begin early, but a decision on whether to establish a full Peace Building Office is best left until the TFG is in Somalia and can demonstrate its legitimacy and authority. Until then, it should be possible to provide sufficient support under existing arrangements.

## **B. BOOTS ON THE GROUND**

Yusuf's appeal for a 20,000-strong peace enforcement mission wrong-footed virtually all Somalia's international partners, including the AU, which currently leads on security issues. Only the IGAD member states do not seem to have been caught off guard -- Kenya has vigorously backed Yusuf's case, and Uganda has pledged a battalion of troops.<sup>69</sup>

Complying with Yusuf's request by putting "boots on the ground" in Somalia would be reckless and wrong-headed. As argued above, a multinational force risks being perceived as imposing Yusuf's rule and so become a legitimate target for any

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<sup>69</sup> "Joint Communiqué Issued by the IGAD Council of Ministers Meeting held on the sidelines of the United Nations Security Council (UNSC) meeting on Sudan and Somalia", Nairobi, 17 November 2004.

opposition. If foreign troops were attacked or killed (as in 1993), the consequences for Somalia could be disastrous. In order to avoid such an eventuality, conclusion of verifiable ceasefire arrangements and TFP authorisation should be preconditions for any deployment -- and even then, the mandate of foreign forces should be clearly defined and widely understood.

Although the AU has begun examining options for a potential peace support mission, coercive disarmament of the kind sought by President Yusuf is fortunately not among them. Instead, as described above, AU military planners are exploring a combination of ceasefire monitoring, protection and training functions. When the AU Peace and Security Council meets to consider these options, its members should bear in mind that any military engagement in Somalia, including the training of Somali security forces, is potentially in violation of the existing UN arms embargo on Somalia established by Security Council Resolution 751 (1992), and therefore requires a Security Council exemption. They should also consider the following:

## **1. Protection**

A small, static force to protect the transitional authorities following their relocation to Somalia would help provide a degree of international legitimacy for the TFG and a measure of security for its initial operations. Experts at the AU seminar in Addis Ababa described above indicated that a force of two or three battalions would be sufficient, assuming Baydhowa or another secondary town is selected as an interim seat of government.<sup>70</sup> Were the TFG to relocate to Mogadishu, however, an AU protection force should be ruled out. As a UN expert involved in demilitarisation planning told Crisis Group, "they would be too busy protecting themselves to be able to protect anyone else".<sup>71</sup>

AU forces should operate within both a limited mandate and a clearly defined area. The mission and modalities of the force should be disseminated and discussed as widely as possible within Somalia prior to deployment in order to build acceptance and minimise the likelihood of unnecessary confrontations. Foreign troops should be essentially static, permitting only limited protection for the movement of TFG and TFP officials. Escorts should not be provided for

delegations travelling to areas beyond the TFG's direct control unless prior permission has been secured from the local authorities, since this would virtually guarantee ambushes of international troops by local militia.

Great care must also be taken to ensure that the deployment of a protection force is not exploited by the TFG to free its own troops or those of its allies for offensive operations. This would effectively make the international forces party to an internal Somali conflict, augmenting the risk of both casualties and failure. This would require that foreign contingents -- especially those from neighbouring countries -- remain under tight AU control rather than national command. Troops from the "Front-line States" (Djibouti, Ethiopia and Kenya) should be excluded from any role that might expose them to combat operations.

## **2. Verification and monitoring**

International protection for the TFG makes little sense unless it is linked to a measurable process of demilitarisation and sustainable improvement of the security situation. This requires the elaboration of a more comprehensive and measurable ceasefire instrument but since most armed factions are now theoretically part of the interim government -- or at least the parliament -- a conventional ceasefire between government and opposition groups makes little sense. A more practical solution would be to invite all parliamentarians to reiterate their commitment to Article 71(8) of the Charter and sign up to an incremental, verifiable process of demobilisation and disarmament, beginning with the cantonment of heavy weapons. The TFP should also pass a resolution authorising deployment of foreign troops in support of this process, specifying clear parameters for their mandate. Groups and individuals not represented in the TFP, including the business community and Islamic courts, should be invited to endorse formally or align themselves with the TFP's position. Those who failed to do so would be inviting sanctions or other punitive measures.

Two primary objectives would be to supervise cantonment, ensuring that heavy weapons and fighting vehicles remained in their cantonment areas, and investigate alleged violations of the ceasefire or cantonment process. Over time, additional tasks, including support to the integration of heavy weapons under a single national command, could be added. This could best be accomplished through a Joint Verification and Monitoring Commission comprising

<sup>70</sup> Crisis Group interviews, Addis Ababa, November 2004.

<sup>71</sup> Crisis Group interview, Nairobi, 14 November 2004.

representatives of all signatory factions and armed groups, assisted by a small international team. In view of the politically polarised situation still present in much of Somalia, an entirely international monitoring mission would risk accusations of bias and could attract the hostility of one or more groups. The experience of the Verification and Monitoring Teams (VMTs) in Sudan could be a useful point of reference for a similar Somali operation.

Military planners have rightly suggested that cantonment of combatants not be part of this process. Light militia infantry do not pose a significant threat to the ceasefire; only rarely have major offensive operations -- such as General Morgan's take-over of Kismayo in 1993 -- occurred without fighting vehicles or support weapons. Any risks that dismounted infantry might continue to pose must be weighed against the hazards of "mobilising" tens of thousands of combatants in the course of the collection and cantonment process.

### **3. Training**

The TFG should be encouraged to take the lead in restoring a secure environment for all Somalis -- not only its own installations and officials -- as soon as possible. This is a primary political, rather than military challenge but it cannot be met without the formation of uniformed services, including military and police units. To this end, the Nairobi meeting of security and military experts on 15-16 December 2004 proposed the training of 120 trainers, the re-training of 500 former Somali National Army officers, and the formation of a Somali force of at least 6,000 troops; Italy has signalled its intent to fund such an exercise.<sup>72</sup>

The reconstitution of Somali security forces needs to be firmly situated in the context of a comprehensive security sector strategy. If not, the numbers, costs, and purpose of security forces can rapidly spiral beyond control. The authorities in Somaliland and Puntland, for example, have both formed security forces as a way to unify former militia units under a single command and assert a degree of control over ex-combatants. In both cases this has been a largely spontaneous process, resulting in inflated security establishments and unsustainable drains on public

resources. At the Addis Ababa seminar, therefore, AU experts recommended that the formation of a Somali military be based on a defence review to determine its purpose, size and structure.

The accelerated timetable for the TFG's return to Somalia and the need for it to assume responsibility sooner rather than later suggests that as a matter of necessity a small number of units will have to be formed and trained before a defence review can take place. International participation in this process could contribute to the rapid attainment of minimum required force levels and the professionalism of the units, while helping to ensure that they are not deployed in violation of the ceasefire. Experts estimate that this training mission could be completed within six to nine months, if not less.

Recruitment for the new force must take into account the delicate calculus of clan and factional equity. The perception that the force is either constituted or commanded by members of one clan or factional coalition would give rise to new tensions and could rapidly lead to a breakdown of the ceasefire. The TFG should, therefore, consider establishing a parliamentary commission or committee to oversee the process and to negotiate participation from across the political and social spectrum.

### **4. "Front-line" diplomacy**

Having invested so much in the peace process itself, IGAD's "Front-line" states are eager that the Somali transitional authorities receive all the military support they require and are visibly chafing at the AU's deliberate decision-making processes. In addressing the UN Security Council during its November 2004 visit to Nairobi, Presidents Kibaki of Kenya and Museveni of Uganda posited a rapid deployment force to accompany the TFG back to Somalia.

AU officials have made it clear that an operation of this nature would have little chance of approval from the Peace and Security Council and would strain relations between the AU and IGAD states.<sup>73</sup> It would also be a provocative and hazardous venture, most likely to result in serious violence.

The "Front-line" states must be discouraged from deploying any forces to Somalia -- least of all without an AU mandate and in the absence of a ceasefire or equivalent political and legal framework. On the other

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<sup>72</sup> Working Group No. 2, "Training of Army and Police", paper produced by the Meeting of Security and Military Experts on the Stabilisation of Somalia, Nairobi, 15-16 December 2004, p.3.

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<sup>73</sup> Crisis Group interview, Addis Ababa, November 2004.

hand, they have legitimate interest in the success of any peace support mission and of the peace process in general. The Nairobi meeting of security and military experts, therefore, proposed that IGAD countries might take responsibility for the training of Somali security forces *outside* Somalia. They might also be invited to attach military liaison officers to an AU force and to participate in the training of police, immigration and customs services. Support of this nature would be less likely to elicit hostile reactions from Somalis and would help establish from the outset regional co-operation with the interim government on shared security concerns.

## C. RECONSTRUCTION

During the peace talks at Eldoret and Mbagathi, the committee charged with planning Somalia's economic recovery came up with an improbably high figure -- in excess of \$1 billion -- for a first two-year TFG budget.<sup>74</sup> TFG officials have since floated figures in the region of \$5 billion for overall reconstruction needs. Given that Somalia's current revenues probably do not exceed \$100 million per year (not including Somaliland), such estimates seem to take for granted that over 90 per cent of reconstruction will be paid for by donors.

### 1. Macro-economic planning

Despite more than a dozen international peace initiatives and more than two years of preparation prior to the formation of the transitional government, there still is no common macro-economic framework for reconstruction of the Somali state. Under its watching brief, the World Bank has focused on a Conflict Analysis Framework and economic surveys but has eschewed the kind of macro-economic analysis that would assist the new government and its partners to plan for mobilising and allocating resources in much of the state building process. A World Bank official told Crisis Group that macro-economic planning based on projected revenues was "the old way of doing business".<sup>75</sup> If so, it is not yet clear what the "new way" of doing business is, beyond allowing the transitional government to pick multi-billion dollar budgetary projections out of thin air.

The failure to plan for state building is symptomatic of the ingrained scepticism of the international community with respect to the latest round of Somali peace talks. In the past, donors had been more forthcoming in preparing for economic reconstruction. After the Addis Ababa peace talks in 1993, for example, a multi-donor task force led by the World Bank prepared a comprehensive and well-argued strategy that contended sustainability should be a central consideration from the earliest stages of institution building:

Institutions are sustainable only to the extent that adequate resources are available to operate and maintain them. The prospects for mobilising domestic revenue in the short term are extremely limited and the role assumed by government must accordingly be also limited. Attention must first be focused on essential government functions, recognising that many desirable government services may have to be foregone in the short- to medium-term...Cost recovery mechanisms and efficient pricing of government services which are to be established must be in place at the start not only to ensure their sustainability, but to provide an adequate foundation for the expansion of such services as the economy develops.<sup>76</sup>

In late 1999, the UN Development Program (UNDP) commissioned a study on the impact of globalisation in Somalia, which offered an incisive overview of economic reconstruction issues and strategic challenges.<sup>77</sup> A broad macro-economic analysis is essential if the TFG is to have any chance of success. Were the appetites of the current leadership even partially satisfied, Somalia would already be firmly back on the path to becoming an economic basket case and a ward of the donor community.

### 2. Priming the pump

The lack of macro-economic analysis means that donors have already begun to plan a recovery package for Somalia in a statistical and strategic vacuum. The

<sup>74</sup> See Crisis Group Report, *Negotiating a Blueprint for Peace in Somalia*, op. cit., p. 9.

<sup>75</sup> Crisis Group interview, New York, October 2004.

<sup>76</sup> World Bank, et. al., "Somalia: Framework for Planning of Long-Term Reconstruction and Recovery, Report of a Multi-Donor Task Force under the Coordination of the World Bank", 1993.

<sup>77</sup> R. Marchal, J.A. Mubarak, M. Del Buono and D. L. Manziolillo, "Globalisation and Its Impact on Somalia", UNDP/UNDOS, Nairobi, 28 January 2000, available at [www.reliefweb.int/w/Rwb.nsf/0/e715f9667b301a1fc125689c004b547c](http://www.reliefweb.int/w/Rwb.nsf/0/e715f9667b301a1fc125689c004b547c).

European Commission was at the forefront of efforts to define a "Rapid Assistance Package" (RAP) that would support the TFG for six to nine months, and so "prime the pump" for more sustained, longer-term reconstruction and development assistance. By December 2004, however, efforts to kick start the RAP seemed to have faltered, subsumed in broader negotiations over the Coordination and Monitoring Committee (CMC) and longer-term assistance arrangements.

Some kind of RAP is essential to stabilise the TFG following its re-entry to Somalia and demonstrate to the Somali public that the interim government is indeed functional. But rapid assistance should not undermine the TFG's own responsibility to tap local sources of revenue. Negotiations for control of economic infrastructure, as mentioned above, are likely to prove complex, delicate and time consuming. If start-up assistance is not carefully calibrated, Somalia's new leaders may be persuaded they do not really need to negotiate.

### **3. Decentralised aid programming**

For donor and aid agency officials unused to working in conditions of statelessness, the restoration of a central government comes as a tremendous relief -- so much so that some seem eager to jump the gun in adjusting their programming strategies: "My colleagues are already planning to sign a co-operation agreement with the transitional government", a UNICEF Somalia staffer told Crisis Group. "They have no idea of the potential fallout for our activities in areas beyond the TFG's control".<sup>78</sup> The director of an international NGO spoke with bemusement of a recent encounter with a donor in which he was asked how he intended to coordinate his projects in a remote part of central Somalia with a health ministry not yet constituted.<sup>79</sup>

Decisions on such apparently marginal issues could in fact turn out to be deadly serious. In order to compensate for their lack of control inside the country, officials of a nascent Somali government are likely to assert their authority over international counterparts instead. Experience with sub-national Somali administrations suggests aid agencies will face a range of pressures, including where they should work, who their counterparts should be and

the "income tax" they should pay on behalf of their employees.

Beyond nuisance value, such growing pains are unlikely to be very serious. But they can introduce real hazards in areas where government authority is unwelcome or disputed. Decisions as to which of two rival "governors" or "district commissioners" to deal with, or to whom aircraft landing fees should be paid, can lead to threats, harassment and violence. In some areas, especially Somaliland, agencies whose programs bear the approval of the TFG will probably find themselves unwelcome and may have their activities terminated.

At the same time, TFG line ministries will require close engagement and support if they are to develop their capacities and familiarise themselves with existing aid programs before reviewing their priorities and approaches. As with the TNG, donors and aid agencies should -- at least initially -- continue to program resources independently of the transitional government and co-operate with the de facto authorities in the regions in which they work. Over time, closer co-operation and coordination may become possible, in many parts of Somalia.

Somaliland will pose a particularly thorny dilemma. It receives a proportionately greater share of foreign assistance than other regions and hosts some of the most highly developed and successful aid programs. Its government, however, can be expected to reject TFG authority over any activities in the territories over which it claims or exercises effective control. Special arrangements need to be considered that will allow assistance to the people of Somaliland to continue independently of the TFG's authority until a political settlement between Somaliland and the TFG can be reached.

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<sup>78</sup> Crisis Group interview, Nairobi, November 2004.

<sup>79</sup> Crisis Group interview, Nairobi, November 2004.

## V. CONCLUSION

The formation of the TFG is a significant event in the Somali peace process, but -- as so many times in the past -- it represents at best a tentative agreement by the various forces to suspend hostilities and pursue their aims by non-violent means. Most Somalis desperately wish for enduring peace and functioning government and have, therefore, been prepared to give Yusuf and his government the benefit of the doubt, but with the collapse of the first TFG cabinet, the honeymoon may already be over. Yusuf and his political partners must act quickly if the enterprise is not to go the way of the TNG. The longer the political process remains gridlocked, the less compunction dissatisfied groups will feel about withdrawing from the government and becoming armed opposition.

As a first step, the TFG must demonstrate to the satisfaction of its many critics that it is neither a vehicle for the SRRC, nor an instrument of Ethiopian hegemony, but an authentic Somali government of national unity. That will require the president to appoint a cabinet in which power is genuinely shared, rather than guarded by allies who control key ministries. Although hardly an ideal formula for governance, the TFG probably has no choice but to respect clan equity in the context of the 4.5 formula until consensus can be reached that this is no longer necessary. Unfortunately, this will inevitably generate a cabinet dominated by faction leaders and Barre-era politicians but plenty of room will remain for fresh young technocrats to exercise leadership in lower levels of government as assistant ministers, directors general and heads of department.

Another key ingredient for TFG success is the degree to which it respects the principle of parliamentary supremacy. By virtue of its size, the TFP is more representative and politically diverse than any cabinet is likely to be.<sup>80</sup> Through its non-confidence vote on the first cabinet, it has demonstrated that it is prepared to provide an effective check on executive powers; for the sake of the peace process, it must continue to do so in constructive ways, asserting its oversight role through parliamentary committees and providing a public forum for deliberation and debate on government policies. Yusuf and his cabinet must learn

to see the legislature as a partner and the source of legitimacy, not an inconvenience to be circumvented as often as possible. The more government business is transacted in the TFP rather than behind closed doors, the better the tensions and frictions associated with the transitional period can be contained.

The status of the Somali peace process is grim but not altogether hopeless. Yusuf and his political allies still have the opportunity to transform their current political advantage into an inclusive, broad-based transitional government. Somalia's international partners need to encourage them to do so by making it clear that this is a precondition for the kind of international recognition and support the TFG is clearly hoping for.

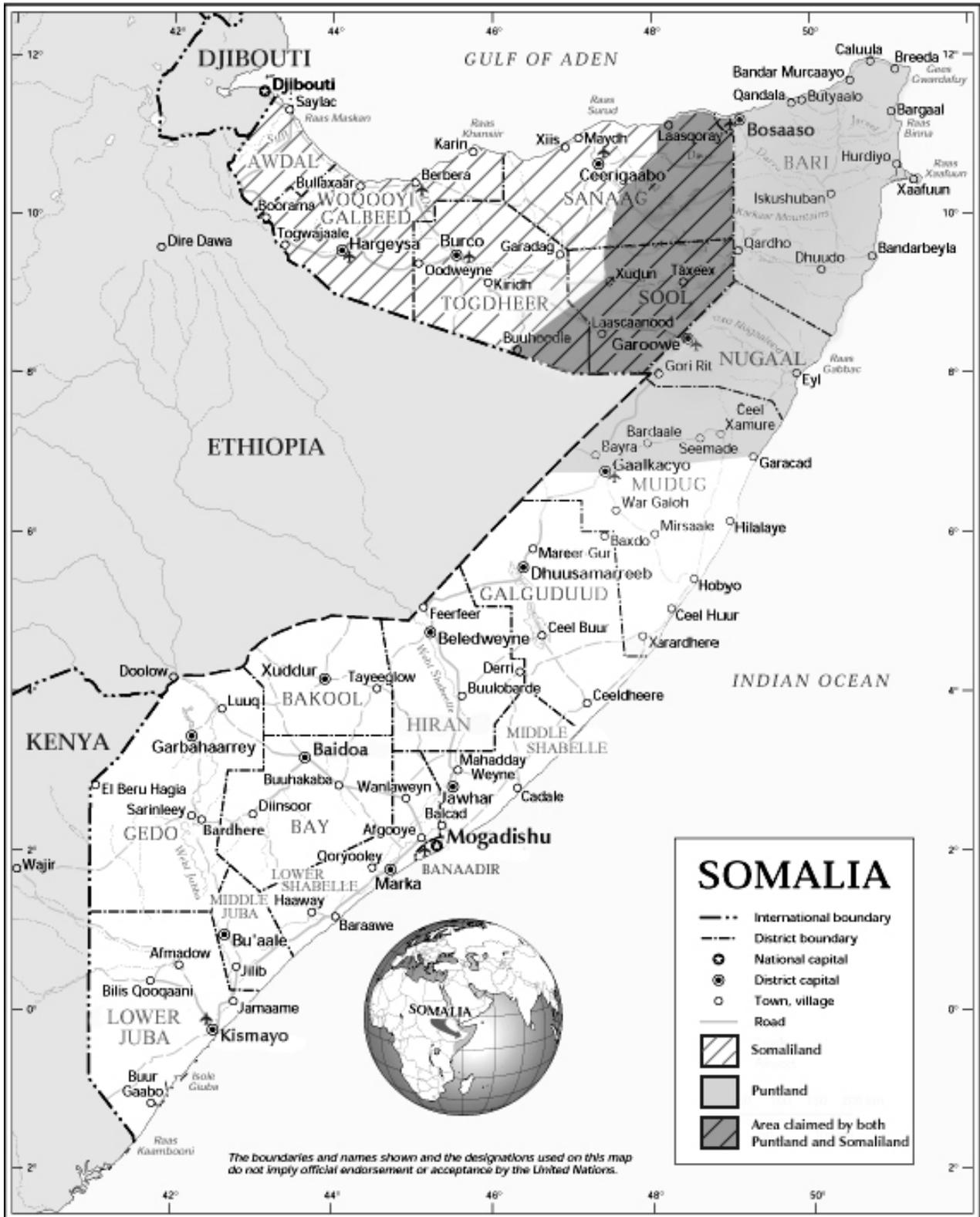
**Nairobi/Brussels, 21 December 2004**

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<sup>80</sup> Unless the TFP goes the way of its predecessor, the TNP, in which disaffected MPs abandoned their seats and were replaced by TNG supporters and political opportunists until the assembly was reduced to a rubber stamp.

## APPENDIX A

### MAP OF SOMALIA



Sources: United Nations, ICG interviews, February 2002.

## APPENDIX B

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