

Where to for Somali State-building Since London and Istanbul Conferences?

Written by Michael Walls

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MICHAEL WALLS, JUL 28 2012

[T]he mandate of Somalia's Transitional Federal Government expires in August. This gives an opening to launch a new and broader political process embracing all Somalis, with a greater emphasis on supporting regional governance as well as stronger and more representative government from the centre. (William Hague, UK Foreign Secretary, 4 February 2012)

In February 2012, the UK hosted a major international conference on Somalia. The event was designed to bring together key stakeholders, and most particularly donors and interested non-Somali governments, to discuss ways in which approaches to Somali issues could be better coordinated. Amongst other priorities, it was timed to raise pressure on the Transitional Federal Government in Mogadishu in the lead-up to the August expiry of their self-extended mandate, reflecting serious concern that little progress was being made in establishing a procedure for replacing the transitional government with something more legitimate and permanent in time for August.

In many ways, the London conference marked an encouraging change in international rhetoric. There seemed to be a deepening realisation that the oft-repeated sentiment that development 'on the ground' would be needed if security issues such as piracy and al-Shabaab's commitment to al-Qaeda-linked terrorist acts, in the vein of the July 2010 bombings in Kampala, are to be addressed. However, action since that conference has been much less encouraging.

A follow-up event in Istanbul was convened at the end of May with the inspirational title 'Preparing Somalia's future: Goals for 2015'. As with the London conference, though, the rhetoric does not seem to have been matched with results. The conference itself was inconclusive, even in many ways shambolic, and it remains unclear whether it achieved much (Mohamud M. Uluso, 2012).

Certainly, with only days to run now until the 20 August deadline for the Transitional Federal Government, significant uncertainties persist with regard to the nature and legitimacy of the new, post-transitional government which was meant to be a key component in that future. The intended process follows a 'roadmap' signed in September 2011, which established that 135 Somali elders, themselves selected on the basis of a controversial '4.5 formula'^[1], were to appoint the members of an 825-person Constituent Assembly. In its turn, the Assembly was meant to endorse a draft constitution which, according to the roadmap, would be adopted by a new Parliament by 1 July (Signatories to Roadmap, 2011). The Parliament was then to elect a Speaker and two Deputies by 4 August, and a President by 20 August (Yusuf Garad Omar, 2012).

From the beginning, the roadmap has been beset by delay. The Constituent Assembly was eventually scheduled to meet on 12 July but, having gathered the names of the members of the Assembly, the elders refused to release them. They argued that they had not had sufficient input into the constitution, with spokesperson and Chair of the Hawiye elders, Mohamed Hassan Haad, objecting to provisions that would have allowed women to run for high office, and to the fact that the document did not nominate a capital city (Joselow, 2012). Mogadishu itself is dominated by Hawiye groups, so Mohamed Hassan's alarm at the constitutional failure to reaffirm the city as the Somali capital is perhaps unsurprising.

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With negotiations and manoeuvrings around roadmap provisions continuing, the field of candidates seeking the presidency has grown. Not all presumed aspirants have made formal declarations, though by many counts, up to 29 may stand (Yusuf Garad Omar, 2012). Of those, a number have been implicated in substantiated allegations of corruption in a recent report by the Monitoring Group for Somalia and Eritrea, which was recently submitted to the UN Security Council. That report picks meticulously through the tangle of deals made by senior TFG members in 2009 and 2010, naming culpable individuals, and saying that, “out of every US\$10 received by the TFG in 2009-10, US\$7 never made it into state coffers”, while “almost one quarter of total TFG expenditure (over US\$12 million) was absorbed by the offices of the three top leaders – the President, Prime Minister and Speaker of Parliament” (Bryden et al., 2012: 6). Those three individuals are amongst only a handful of candidates for the presidency with any chance of winning, so the report is potentially highly damaging. It is also backed by further reports from the World Bank (VOA News, 2012) and from the head of the TFG’s own Public Finance Management Unit, Abdirazak Fartaag, who wrote that the TFG’s finances continue to be marked by “gross public financial mismanagement ... characterised by fraud[ulent] misappropriation” (Abdirazak Fartaag, 2012: 57).

Optimism In Spite of Challenges?

However, while corruption is clearly rampant and many observers judge it unlikely that the 20 August deadline for the installation of a new government will be met (Flood, 2012), there are many things that are going much better. Mogadishu itself is enjoying a degree of stability not seen since the Ethiopian invasion of 2006 as a result of a series of significant defeats for the militant Islamist group al-Shabaab. As a far more militant and extreme off-shoot of the Union of Islamic Courts which briefly ruled much of southern Somalia in 2006^[ii], al-Shabaab have built little support amongst a majority of Somalis. Noted for their rigid application of a Salafist strain of Islam imported from the Gulf, group members have blocked humanitarian relief and imposed brutal physical punishments for ‘crimes’ that are considered inappropriate by many both within Somalia and outside. Notable instances have included the execution by stoning of sometimes teenage rape victims for ‘adultery’ (Gettleman, 2008; Mohamed Mohamed, 2008). Historically, Somali interpretations of Islam have followed much more moderate Sufic schools, and al-Shabaab’s merger with al-Qaeda, suicide attacks and extreme interpretations of Shari’a are seen by a great many Somalis as abhorrent.

This lack of popular support has meant that the militants have been unable to consolidate military conquests, and they have consequently been driven from Mogadishu by AMISOM forces and pushed back in many southern areas by invading Kenyan and Ethiopian troops. While al-Shabaab retain the ability to mount targeted attacks (BBC correspondent, 2012a, b; Mohamed Odowa and Mohamed Nuxurkey, 2012), they have lost ground significantly in recent months.

Election Planning in Somaliland and Puntland

Meanwhile, in the north, the relatively peaceful enclaves of Puntland and Somaliland have continued to build on a more secure base. In 1991, Somaliland unilaterally declared that they were reinstituting the sovereignty they had enjoyed for a brief five days in 1960. Brutally victimised and, in 1988, heavily bombed by the government of General Mohamed Siyaad Barre, many Somalilanders continue to believe passionately in their claim for internationally-recognised independence.

Recent participation in the London and Istanbul conferences on Somalia, and the decision to take part in formal talks with a TFG delegation, marked a new departure for Somaliland, though. While nothing substantive was agreed in the TFG talks apart from a commitment to continue to talk (indeed, nothing beyond that was anticipated), the fact of the talks was highly symbolic. The Somaliland government still emphatically assert their aspiration for international recognition of their sovereignty, but seem to be willing to adopt a more nuanced approach to that quest.

The Somaliland economy also continues to expand, and the country is preparing for local authority elections, perhaps as soon as December 2012.

Puntland, too, are planning local elections, with a date in May 2013 currently being suggested. In spite of long-term

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territorial disagreements with Somaliland, Puntland have opted for an electoral system directly modelled on that used in Somaliland. In an effort to limit the emergence of dozens of narrowly-clan-focused political candidates, a constitutional limit of three parties has been established. Once a decade, any political association able to satisfy strict conditions will be entitled to contest local authority elections, with the three most popular then entitled to put forward candidates for presidential and parliamentary elections for the next ten years.

Puntland is some years behind Somaliland in terms of institutionalising this system, and both face significant challenges in continuing to make it work. However, there seems, at least for the moment, to be a genuine commitment on the part of each to continue to pursue this form of multi-party democracy.

Oil Complicates Territorial Dispute

If the situation were to continue on the path it has taken in recent years, one could just about imagine an indefinite, if poorly articulated, stability between Puntland and Somaliland. It would be based on an ambiguous acceptance of each other's existence without explicit agreement on the nature of competing claims. Effectively it would be an informal accommodation between the flexibly-bordered practices of a clan-based pastoralism and the exigencies of nation-state politics. Somali culture traditionally accommodates this kind of ambiguity well, so this might be a form of hybridity that blends contemporary politics with customary practice to good effect. Perhaps, too, this would satisfy Hague's support for improving regional governance in the minds of some, though the implicit presumption that Somaliland would one day simply slot back into a federal Somali state seems unrealistic in the extreme.

Unsurprisingly, though, there are other complications that present a much more worrying picture. At the centre lies the possibility that the partially disputed Nugaal Valley contains significant deposits of oil and gas. In the past, the TFG and Puntland administrations have squabbled over who has the right to grant exploration concessions, with Puntland effectively winning that argument and granting rights to Australian prospector Range Resources. Range have already started drilling in a second concession to the north, in the Dharoor Valley, and promise to sink their first exploratory well in Nugaal imminently. The problem lies in the fact that a large portion of their Nugaal concession lies in an area that is claimed not just by Puntland, but also by Somaliland, and by the newer and tiny Khatuumo State. None of those three parties are particularly friendly to the others: Somaliland and Puntland's dispute relates precisely to the clan/nation-state argument over the relevance of colonial borders. Khatuumo would prefer to have little to do with either of their larger neighbours, plumping instead for autonomy within a future federal Somalia.

In an effort to secure concessions within Puntland, the administration there has permitted the innocuously-named Sterling Corporate Services (previously Saracen International) to establish one of the most powerful – and effectively mercenary-led – armies in the northern Somali areas. In their recent report to the UN Security Council, the Monitoring Group for Somalia and Eritrea were typically direct in noting that they remain “deeply concerned” over the actions of Sterling, and most particularly in relation to their apparently flagrant disregard for the Somali arms embargo (Bryden et al., 2012: 7).

Conclusion

The picture, then, is mixed. In considering the Somali situation since the London and Istanbul conferences, there is considerable cause for optimism. Urban economies are generally buoyant in spite of drought and ongoing insecurity in some places. Mogadishu is notably more peaceful than it has been for years, and there is a sense of hope amongst the many diaspora Somalis who are flooding back there.

Politically, the problems remain enormous, but again there are reasons to be hopeful. Much of the debate around presidential campaigning and even the elders' reticence to endorse women in high office at least speaks of a willingness to engage with matters of genuine constitutional and political importance. In past attempts to find a basis for central government, that debate was far less obvious, with processes dominated by back-room deals in Kenyan or Djiboutian venues. Importantly, the enthusiasm with which people are looking to work and invest in Mogadishu is indicative of a popular determination to find a way to end twenty years of conflict.

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But whatever optimism is appropriate, it must be balanced with a sense of caution. It seems highly unlikely that a post-transitional government will be in place by 20 August, and there is every possibility that whatever does emerge will suffer from the same sense of profound illegitimacy as has plagued its predecessors. There seems a dearth of candidates who both have a realistic chance of winning the presidency, and seem to possess the particular leadership characteristics that would enable them to run an effective administration. At any rate, the lack of community-level reconciliation after so many years of conflict makes the aspiration for “stronger more representative government from the centre” little more than a pipe-dream.

While the London and Istanbul conferences have marked a deepening of international engagement in the Somali Horn of Africa, with an encouraging increase in the apparent commitment and understanding of many of the key actors, the signs that those improvements might contribute to genuine advances on the ground are questionable and patchy.

But perhaps progress lies in the mere fact that, where once the picture in the south was overwhelmingly negative, with signs of optimism confined largely to the peripheral (and effectively independent) state of Somaliland, and the largely autonomous territory of Puntland, there is now a much more mixed picture in and around Mogadishu as well. That, in relative terms, is an advance. Where things move from here remains an open question on many fronts.

It is difficult to avoid the temptation to reflect on the significant and unresolved tensions implicit in William Hague's words. While it is clear that the great majority of Somalis wish to find a path to peace, it is not at all clear that they support a strong, central government. And perhaps the international diplomatic and donor communities could take a lead in displaying an understanding that the days in which a Somali political process could 'embrace all Somalis' disappeared at the end of the colonial period. In the rush by departing powers – none more so than the UK – to divest themselves of their commitments as speedily as possible, the Somali Horn was apparently irrevocably divided between Kenya, Ethiopia, France (in Djibouti), and a pair of uniting rump states in the form of the British and Italian Somalilands. The dream of a fully united Somalia remains potent for many ^[iii], including the more nationalistic Shabaabis. Unless that sense of ultimate unity can be disentangled from the immediate need for legitimate, localised government in the Somali areas that are not already administered within other polities, Hague's dream must surely remain a distant one.

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Notes

[i] This system allocates voting rights on a weighting system in which each of four major clan groupings are entitled to one representative unit – those groupings are the Darood, Hawiye, Dir, and Digil-Mirifle clan-families – while half a unit is reserved for a coalition of minority clans (Hanson and Kaplan, 2008). The system is widely derided, but no mutually agreeable alternative has been found.

[ii] The UIC themselves were led by a small team, including the current TFG President Sheikh Sharif Sheikh Ahmed, one of those implicated in the reports on misappropriation of public funds.

[iii] Indeed, the five-pointed star on the Somali flag represents an explicit reference to the five Somali areas: northeast Kenya, Somali Region in Ethiopia, Djibouti, ex-British Somaliland, and the once Italian territory. This clearly irredentist statement of intent causes considerable unease amongst neighbouring governments.

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