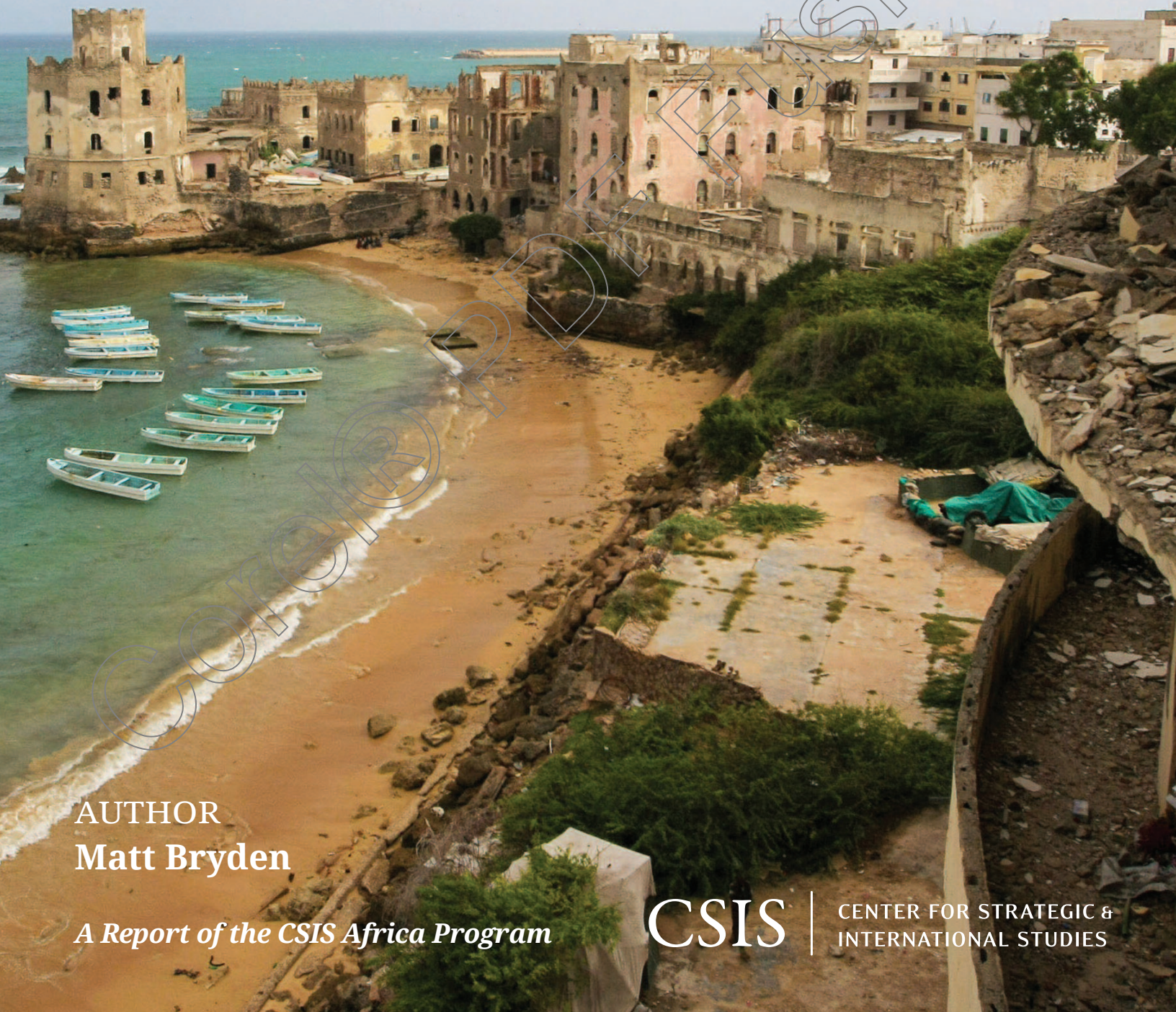


AUGUST 2013

Somalia Redux?

Assessing the New Somali Federal Government



AUTHOR
Matt Bryden

A Report of the CSIS Africa Program

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Library of Congress Cataloging-in-Publication Data

CIP information available on request.

ISBN: 978-1-4422-2525-1 (pb); 978-1-4422-2526-8 (eBook)

Center for Strategic & International Studies
1800 K Street, NW, Washington, DC 20006
202-887-0200 | www.csis.org

Rowman & Littlefield
4501 Forbes Boulevard, Lanham, MD 20706
301-459-3366 | www.rowman.com

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Somalia Redux?

Assessing the New Somali Federal Government

Matt Bryden

Introduction

Somalia marked a milestone in September 2012 with the establishment of a new federal government that has since won the support and recognition of the international community. After more than 20 years of conflict, crisis, and statelessness and 12 years of ineffectual transitional authorities, the Somali federal government (SFG) has been widely welcomed as Somalia's first "post-transition" government. It has been greeted with such a groundswell of optimism that many observers, including British Prime Minister David Cameron, have drawn parallels with the "Arab Spring" that has transformed parts of the Middle East.¹ It is tempting to imagine that Somalia is finally on the path to recovery.

Such buoyant judgments, however, are based on highly selective appraisals of the situation. Despite having earned an unprecedented degree of international recognition and breathlessly upbeat media coverage, the SFG remains frail and embattled, dependent upon African Union troops to protect its leaders and defend its sovereignty. The stream of returnees, investors, aid workers, and diplomats to Mogadishu has not been replicated elsewhere in the country, creating an artificial, almost surreal bubble of optimism around the capital. Most of Somalia's territory is governed or controlled by other authorities whose relations with the SFG range from pragmatic to openly hostile. Rarely has it been so important to bear in mind the old maxim: Mogadishu is not Somalia.

The government's plans to expand its authority beyond Mogadishu and stabilize the rest of the country are outlined in a "Six Pillar" strategy that highlights stability, economic recovery, peace building, service delivery, international relations, and national unity. International donors have expressed their support for the SFG by pledging more than US\$300 million in aid at a May 2013 conference in London. But the government's strategy makes no reference to three critical challenges that it must address if it is to succeed.

1. Agence France Presse, "British PM says Somalia should be enjoying its own Arab Spring," *Al Arabiya News*, February 22, 2013, <http://english.alarabiya.net/articles/2012/02/22/196224.html>; see also Ken Menkhaus, "The Somali Spring," *Foreign Policy*, September 24, 2012, http://www.foreignpolicy.com/articles/2012/09/24/the_somali_spring.

First, the SFG must engage in the politics of stabilization. Like its predecessors, the SFG is keen to portray the defeat and dismantling of the extremist group Al-Shabaab as a military problem, calling upon its international partners for more robust military assistance and the lifting of the United Nations arms embargo. But Al-Shabaab's resilience lies in the exploitation of political and social dissent, appropriating local grievances and aspirations in order to obtain support. In such circumstances, military action simply serves to inflame the situation by conflating the legitimate concerns of given communities with the extremist agenda of the jihadists. Instead, the SFG must be prepared to engage in genuinely inclusive politics, persuading local leaders that their interests are best served within the context of the state-building process, not by buying into Al-Shabaab's rejectionist tactics.

The necessity of inclusive politics also holds true for "post-Shabaab" stabilization, and the SFG's relations with other de facto political actors across Somalia. Nowhere is this more crucial than in the development of a federal system. Differing interpretations of the provisional constitution have set the SFG at loggerheads with the Puntland administration that governs northeast Somalia, as well as the nascent "Jubaland" authority in Kismayo that aspires to govern the country's three southwestern regions. The tensions generated by this rift threaten to spill over into armed conflict, turn large sections of the Somali population against the new government, and derail the transition to a permanent and stable governance framework for Somalia.

The SFG's second critical challenge is to free itself from the corrosive political economy of state collapse that has taken root over the past two decades. The government's leadership must resist the hijacking of state institutions and functions by narrow interest groups for personal or political gain; combat the massive and pervasive corruption that has long handicapped institution building; and defy the many "crisis lords"—disaster entrepreneurs, both Somali and foreign—who variously tolerate, exaggerate, or manufacture crises in order to attract resources with which to resolve them. For the political and commercial elites who engage in such behavior, the perpetual weakness of the Somali state has become an indispensable lure to attract foreign aid, whether in the name of counterterrorism, counterpiracy, or even humanitarian assistance.

In its third challenge, the SFG must bring to an end Somalia's seemingly perpetual political transition. Although the SFG is the first Somali government in more than two decades not to be qualified by the term "transitional," it derives its powers and responsibilities from a provisional constitution and is therefore itself provisional in nature. The constitution itself needs substantial revision, and many of its articles require elaboration through legislation. The legal framework, institutions, and processes of a federal political system do not yet exist, but are already a source of grave controversy. And the SFG has also inherited a number of other vital transitional tasks that its predecessors left incomplete, including the establishment of various independent commissions and statutory institutions, a referendum on the constitution, design of an electoral system, and conduct of credible elections by August 2016. With almost one year of the government's term of office

already elapsed, much of the country increasingly unreceptive to the SFG's leadership, and no apparent sense of urgency on the part of the government or its international partners, the prospects of meeting this deadline are already receding.

Sadly, it is in the abrupt loss of initial confidence and optimism, and the alarming polarization of political attitudes and positions, that the situation in Somalia most closely resembles the "Arab Spring." It is perhaps therefore no coincidence that many of the new government's critics attribute its shortcomings to the disproportionate influence exercised by a faction of the Somali chapter of the Muslim Brotherhood: a group known as Damul Jadiid. Having quietly propelled Hassan Sheikh to the presidency, members of Damul Jadiid have since been appointed to key positions in the administration, from where they appear to be driving government policy. Echoing sentiments in Egypt and Tunisia, where the Arab Spring also brought parties affiliated with the Muslim Brotherhood to power, many of those who first celebrated the change of leadership feel increasingly disaffected or alienated.

Less than a year into the SFG's mandate, hope and optimism are steadily giving way to polarization, acrimony, and fears of renewed violence. Whether Somalia progresses along the path to peace or relapses into fragmentation and conflict now depends on whether the SFG continues impose its own narrow, ideologically driven agenda, or seizes the opportunity to enlarge its appeal by behaving as a government of national unity: a choice between Somalia redux or Somalia relapsed.

Somalia's New Government

The passing of the torch, in September 2012, from the transitional federal government of Sheikh Sharif Sheikh Ahmed to the SFG headed by Hassan Sheikh Mohamud has been widely celebrated as the end of Somalia's protracted political transition. On January 17, 2013, after consultations with President Mohamud, U.S. Secretary of State Hilary Clinton announced that Somalia now possessed "a representative government with a new president, a new parliament, a new prime minister, and a new constitution," and stated that, for the first time in two decades, the United States would recognize the Somali government.² Likewise, in a joint statement several weeks later, President Mohamud and EU High Representative for Foreign Affairs and Security Policy Catherine Ashton declared: "Somalia is no longer a failed state."³ Numerous foreign governments and international organizations have since followed suit, restoring formal diplomatic relations and opening embassies in Mogadishu.

The formation of the new government has indeed given Somalia, for the first time in many years, genuine cause for hope. Neither the president nor his prime minister, Abdi

2. Hillary Clinton, "Remarks with President of Somalia Hassan Sheikh Mohamud after their meeting," January 17, 2013, <http://www.state.gov/secretary/rm/2013/01/202998.htm>.

3. Hassan Sheikh Mohamud and Catherine Ashton, "Somalia is no longer a failed state," Hiiraan Online, February 11, 2013, http://www.hiiraan.com/op4/2013/feb/28062/somalia_is_no_longer_a_failed_state.aspx.

Farah Shirdoon, played a leading role in Somalia's civil war. Both have been successful businessmen, while Hassan Sheikh was also a researcher, a civil society activist, and head of a technical institute in Mogadishu. The SFG's first cabinet is likewise staffed with professionals and technocrats rather than former warlords or discredited political entrepreneurs from past, failed transitional governments.⁴

The new government moved quickly to stake out policy positions, including the Six Pillar strategy, that differ markedly from the agendas of previous administrations in their coherence and pragmatism. Both the president and prime minister have repeatedly emphasized the need for dialogue; a credible, independent justice system; transparency and accountability in public financial management; and the rule of law. In the mouths of previous Somali officials, such words have rung hollow, but the credentials of the SFG's current leadership offer some reason to believe that these represent genuine commitments rather than marketing clichés.

The newly constituted parliament also represents a step forward. Chosen for the first time by a process based inside Somalia, its membership is widely perceived to be of a higher caliber than its shambolic predecessors, which were generally more preoccupied by the size of their sitting allowances than the passage of legislation. The new speaker of parliament, Mohamed Abdirahman Jawaari, is arguably the most qualified postwar figure ever to hold that office. A constitutional expert whose knowledge of Islam and shari'a law surpasses even that of many Somali Islamists, Jawaari has led the new assembly in organizing parliamentary committees and developing a legislative agenda, lending a sense of purpose to an institution that has historically acted as little more than an unruly mob.

The SFG's "feel-good factor" has been underpinned by a marked improvement in security in the streets of Mogadishu, the return of tens of thousands of residents to their homes, a significant inflow of investment, and the gradual restoration of a sense of normalcy. Most of this progress is due to the efforts of the African Union Mission in Somalia (AMISOM), which deployed to Somalia in 2007 and has steadily eroded the authority and influence of the Al-Shabaab jihadists who once controlled much of the country. But it is also due in part to the growing capabilities of Somali security forces, trained and supported by various foreign partners.

THE "ROAD MAP" THAT LOST ITS WAY

Notwithstanding the SFG's very real merits, Somalia still has a long way to go: in 2012, it ranked as both the world's most failed state and its most corrupt.⁵ The new government is neither permanent, representative, broadly based, nor even inherently democratic. It is an

4. Prime Minister Shirdoon initially appointed a "lean" cabinet of just 10 ministers. However, the addition of deputy ministers and ministers of state soon brought the total number of cabinet members to over 30.

5. See *Foreign Policy*, "Failed States Index (2012 ed.)," http://www.foreignpolicy.com/failed_states_index_2012_interactive; and Transparency International, "Corruption Perceptions Index 2012," <http://cpi.transparency.org/cpi2012>.

interim government, established on the basis of a provisional constitution for a period of four years. It enjoys de jure sovereignty over all of Somalia, but exercises de facto authority only over Mogadishu and parts of the south, largely thanks to the presence of foreign troops. It represents a country that remains as fragmented as ever: a patchwork of authorities and factions, some of them aligned with the federal government, others either suspicious or hostile. And it is too early to assess whether its democratic character, as enshrined in the constitution and touted by the SFG leadership, will in fact be realized.

The SFG's inherent contradictions say less about the new government than about the process through which it was established. The "Road Map," as it was known, involved a lengthy series of consultations between four principal actors—the transitional federal government headed by Sheikh Sharif Sheikh Ahmed; the semiautonomous region of Puntland in northeast Somalia; the administration of Gaalmudug in southern Mudug region; and a militant, anti-Shabaab Sufi Muslim movement named Ahlu Sunna wal Jama'a—culminating in a complex selection process in which clan elders identified 825 delegates to a constituent assembly, which in turn selected a 225-member parliament, which subsequently elected a president.

This was by no means the most "inclusive" or "legitimate" state-building initiative ever attempted in Somalia: between May and July 2000, some 810 traditional and clan leaders met at Arta, Djibouti, for a Somalia National Peace Conference. The gathering appointed a 245-member parliament (called the Transitional National Assembly), which in turn elected a president, Abdulqasim Salaad Hassan. The new government returned to Mogadishu but was opposed by a variety of forces, both domestic and foreign, and proved incapable to govern.

Similarly, in 2002, a Somali National Reconciliation Conference convened in Kenya under the auspices of the Intergovernmental Authority on Development (IGAD),⁶ initially attracted over 800 delegates (that number was eventually halved due to the cost of housing and feeding them), who deliberated for nearly two years before endorsing a new transitional federal charter and appointing a 275-member transitional federal Parliament in late 2004. The Parliament then elected Colonel Abdillahi Yusuf Ahmed, a veteran warlord and former president of Puntland, as president of the new transitional federal government. President Yusuf promptly called for 20,000 foreign troops to deliver his government back to Somalia, taking the first step down a path that led his country deeper into division and bloodshed—and ultimately to his own removal from office.

In 2007, following the worst fighting to ravage Mogadishu for well over a decade, more than 2,000 delegates "from all of Somalia's regions and clans as well as the Somali Diaspora"⁷ arrived in Mogadishu to participate in a Somali National Peace Conference convened by the transitional federal government. The conference, which received millions

6. IGAD is a regional organization comprising the governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan, and Uganda.

7. African Union Mission in Somalia (AMISOM), "Somali peace process: 2007 National Reconciliation Conference," <http://amisom-au.org/about-somalia/somali-peace-process>.

of dollars in financial support from the international community and was protected by foreign troops, “agreed to points that included terms for a clan truce, the sharing of natural resources and elections planned for 2009.”⁸ The conclusion of this accord made no appreciable progress in advancing the cause of peace, but reportedly made dollar millionaires of several of the conference’s organizers.⁹

Like preceding peace initiatives in Somalia, each step of the 2012 Road Map process was fiercely contested—particularly the authenticity and integrity of the clan elders and delegates who convened in Mogadishu to form the Constituent Assembly and elect a new parliament. Allegations of vote buying were rife, and an attempt to disqualify former warlords from standing for office was overturned under pressure from the outgoing president, Sheikh Sharif Sheikh Ahmed, who had replaced Abdillahi Yusuf in 2009. As the parliament prepared to select a new head of state, many independent observers despaired of any change, believing the entire process so flawed that Sheikh Sharif was all but assured of another term of office. The subsequent reversal of electoral fortunes was so dramatic and unexpected that it surprised even the closest observers of the process, including—given the astonished look on his face carried live on television—president-elect Hassan Sheikh himself.

The most important flaws in the Road Map process became apparent only after Hassan Sheikh’s election. Its principal authors and stakeholders—the leadership of Puntland, Gaalmudug, and Ahlu Sunna wal Jama’a—had somehow been left behind. The new federal government, no longer the sum of any meaningful parts, thus came into being without the authority, territorial control, and political backing that these de facto authorities could have conferred upon it, and found itself instead confined to those limited urban areas in southern Somalia protected by AMISOM. Moreover, the SFG’s centralist reinterpretation of the federal system envisaged by the Road Map signatories positioned the new government increasingly at odds with the entities that had laid its foundation, with Puntland President Abdirahman Faroole going so far as to accuse the federal authorities of having “tampered” with the provisional constitution.¹⁰

In effect, the SFG’s principal virtue was simply that Hassan Sheikh had been elected president. Had Sheikh Sharif been reelected instead, few observers would have felt compelled to describe the new government as “credible,” “legitimate,” “democratic” or “representative”—and an even smaller number of foreign governments would have been moved to recognize it.

8. Reuters, “Somali peace talks finish as president urges elections,” *New York Times*, August 31, 2007, http://www.nytimes.com/2007/08/31/world/africa/31somalia.html?_r=0.

9. Rasna Warah, “Two-thirds of bilateral aid to Somalia govt stolen, diverted,” *The East African*, July 21, 2012, <http://www.theeastafrican.co.ke/news/Two+thirds+of+donor+aid+to+Somalia+stolen+/-/2558/1460106/-/5imdr/-/index.html>.

10. Garowe Online, “Somalia: Puntland president praises Jubaland election, condemns ‘false’ federal constitution,” May 28, 2013, http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_President_Praises_Jubaland_Election_Condemns_False_Federal_Constitution.shtml.

THE SIX PILLARS

Within days of his inauguration, the new Somali president articulated a strategy for his government, the Six Pillars, which was perhaps best articulated in an address to the governing Council of the International Organization on Migration:

My administration's goal over the next four years is to put in place the necessary mechanisms to: 1) create stability in the country; 2) speed up economic recovery; 3) build peace and remove the main drivers of conflicts; 4) vastly improve the Government's capacity to respond to the needs of its people by improving service delivery; 5) increase our international partnerships and create closer ties with our neighbors and friends of Somalia; 6) last but not least, Mr. Chairman, I believe that unity at home is what will propel Somalia forward.¹¹

One obvious problem with this agenda was that the provisional constitution assigns the Somali president no role in making government policy: that is the prerogative of the Council of Ministers, headed by the prime minister, which the constitution describes as “the highest executive authority of the Federal Government.” But since the president is elected and the prime minister is his appointee, achieving a clear, constitutional separation of powers has proven problematic.

A second flaw in the Six Pillar strategy is that, except in the vaguest terms, it makes no reference to the government's most fundamental duties: completion of the constitution, development of the federal system, and organization of credible elections by 2016. Although the components of the Six Pillar strategy are all worthy long-term objectives, the government's progress—or otherwise—toward achieving them will be largely irrelevant if its inescapable duty to bring Somalia's “perpetual transition” to an end is not realized.

Furthermore, the SFG's commitment to the Six Pillar strategy already appears to have been subordinated to an alternative set of policy orientations that are proving deeply contentious and dangerously polarizing. The federal government's high-handed approach to other Somali authorities, its centralist and sometimes imperious assertion of authority, and its abrasive diplomatic style all seem to be awkwardly at odds with the president's ostensibly conciliatory political vision.

The SFG's mixed signals may simply reflect the floundering of an inexperienced administration substituting appointments, decrees, and rhetoric for the kind of bargaining, compromise, and trust-building necessary to heal and lead a traumatized nation. But critics accuse the SFG of duplicity, attributing its behavior to the influence of an opaque political circle at the heart of government: Damul Jadiid.

11. “H.E. Hassan Sh. Mohamud, President of the Federal Republic of Somalia's speech at the IOM council,” <http://www.iom.int/files/live/sites/iom/files/About-IOM/governing-bodies/en/council/101/H-E-Hassan-Sh-Mohamud-President-of-the-Somali-Republic.pdf>.

DAMUL JADIID

Damul Jadiid, or “New Blood,” is a faction of Al-Islaah—a moderate Somali Islamist movement formed in the late 1970s and affiliated with Egypt’s Muslim Brotherhood.¹² During Somalia’s civil war, Al-Islaah steadfastly eschewed violence, but in 2006 a group of activists, rejecting the conservatism of the Al-Islaah “Old Blood” leadership, aligned itself with the Council of Islamic Courts and took part in the armed resistance against the transitional federal government and Ethiopian occupation. Among the most influential members of this group were employees of the Africa Muslims Agency (now known as DirectAid International): a charitable foundation based in Kuwait, which has invested heavily in reviving Somalia’s social services—especially education. One of the most prominent beneficiaries of the Africa Muslims Agency’s largesse was the Somali Institute for Management and Development, a technical school headed by Hassan Sheikh Mohamud.

Following Hassan Sheikh’s election as president, adherents of Damul Jadiid have assumed key positions of influence within the SFG: the ministers of interior, justice, social affairs, and the powerful minister of state for the presidency are all perceived to be members of this group.¹³ But Damul Jadiid is an introverted organization, whose membership, manifesto, public policy platform, and sources of financial support remain largely matters of rumor and speculation.

The ways in which Damul Jadiid may seek to shape the course of Somalia’s ongoing political transition remain to be seen. Some critics attribute the SFG’s assertively, centrist approach to governance to Damul Jadiid ideologues rather than the president or prime minister, who were both reputed to be political pragmatists before taking office. The SFG’s actions to date also suggest that Damul Jadiid is in part responsible for reorienting Somalia’s foreign policy away from IGAD and the African Union toward the wider Arab and Muslim world, notably the like-minded governments in Qatar, Egypt, and Turkey. Although this has earned the SFG important new friends and partners in reconstruction, it has caused frictions with Kenya and Ethiopia, complicating Somalia’s relations with its immediate neighbors.

Regardless of the true extent of Damul Jadiid influence on government policy and conduct, its proximity to the levers of power has contributed to the perception that SFG decisionmaking is determined, at least in part, by an unelected and largely unaccountable interest group. That is a depiction the SFG must work hard to overcome if it is to succeed in binding Somalis more closely together rather than driving them further apart.

12. See International Crisis Group, *Somalia’s Islamists*, Africa Report 100 (Brussels: International Crisis Group, December 12, 2005), 13–15, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/somalia/Somalias%20Islamists.pdf>.

13. For references to Damul Jadiid’s alleged influence on the SFG, see, for example, “New faces in the army following easing of arms embargo,” *Somali Sentinel*, March 10, 2013, <http://somalisentinel.com/2013/03/new-faces-in-the-army-following-easing-of-arms-embargo>; Ahmed Arale, “What really is Somalia’s beef with Kenya?” *The Star*, June 13, 2013, <http://www.the-star.co.ke/news/article-124192/what-really-somalias-beef-kenya>; “Spotlight on the new cabinet,” *Indian Ocean Newsletter*, 1344, November 17, 2012, http://www.africaintelligence.com/article/read_article.aspx?vsendid=ION&doc_i_id=107932583&service=ART&Context=PUS&shorturl=/ION/politics-power/2012/11/17/spotlight-on-the-new-cabinet,107932583-ART.

Stabilizing Somalia

In laying out his strategy, President Mohamud has repeatedly emphasized that his first priority with respect to stabilization is “security, security, and security”: a natural preoccupation for a government that has inherited a country plagued by violence, populated by armed groups, and facing a persistent insurgency headed by an Islamist extremist faction with links to al Qaeda.

To date, the SFG’s security agenda has emphasized the development of the Somali security forces: the military, police, and intelligence services. To this end, the government has sought and received a modification of the United Nations arms embargo, imposed on Somalia in 1992, that permits the government to obtain arms, ammunition, equipment, and training, and a number of foreign governments have since pledged military assistance.

But security sector development is a complex proposition in contemporary Somalia, and many previous efforts to build police and military forces have contributed to instability and violence. This is in large part because the central challenges of stabilization in Somalia are not military, but political. Unless security sector development is addressed as an integral part of the wider political process, it is likely to become a source of tension and divergence rather than a pillar of peace.

SOMALIA’S SECURITY SECTOR

Past efforts to rebuild Somalia’s security forces have been at best disappointing, at worst disastrous. Between 1993 and 1995, the United Nations Mission in Somalia undertook a massive effort to rebuild the Somali police force and judicial system. In addition to training and salaries, the United Nations provided thousands of weapons and hundreds of pick-up trucks and high-frequency radios. But when the mission was withdrawn in 1995, the entire establishment collapsed, with most of the equipment ending up in the hands of local militias.

The next serious effort to rebuild Somali security forces followed the establishment of the transitional federal government (TFG) in 2004. Once again the United Nations took the lead in reviving the Somali police force, but the program was soon mired in controversy as police units trained and paid by the United Nations acquired a paramilitary character, engaging in counterinsurgency operations and—like the armed forces—perpetrating abuses against civilians. The situation was further complicated by the fact that most uniformed forces, whether police or military, were simply clan militias, loyal to individual commanders, only nominally under government control and in many cases hostile to one another. They were notoriously undisciplined, engaging in shoot-outs with one another over the revenue from illicit checkpoints, killing civilians, and committing acts of sexual violence.

Ethiopia, the TFG’s closest ally, quietly took the lead in trying to train and integrate the TFG’s army. But with the government unable to pay soldiers’ salaries—chiefly because of rampant and pervasive corruption in the TFG ranks—such efforts were doomed to fail.

Between 2004 and 2008, more than 14,000 soldiers trained by Ethiopia reportedly defected or deserted with their weapons and uniforms.¹⁴

Following Ethiopia's withdrawal from Somalia in 2009, the task of organizing and training the TFG forces fell to AMISOM. Recognizing the absence of any meaningful chain of command, AMISOM resorted to directly enlisting the support of various militias to assist in securing Mogadishu. For these fighters, access to AMISOM's supply chain—especially ammunition—was often a higher priority than defeating Al-Shabaab. Staged battles, in which streets and city blocks changed hands by mutual agreement and minimum loss of life, were a common occurrence, coordinated via mobile phone by clan relatives across the front lines.

Since the TFG paid its forces only erratically, and AMISOM could not pay local militias at all (at least officially), ammunition became the currency of choice. A 2011 United Nations report found that most of the ammunition available in Mogadishu markets or recovered from Al-Shabaab fighters was from AMISOM stocks, meaning that it had probably been issued to TFG units and allied militia groups, who then sold it in the local arms markets. Such revelations did nothing to diminish the TFG's shrill demands for more military assistance and the lifting of the UN arms embargo on Somalia.

THE ARMS EMBARGO

The arms embargo on Somalia was first imposed by the United Nations Security Council in 1992 at the height of the civil war in the south. In subsequent years the embargo was broadened into a complex sanctions regime, prohibiting a broad range of threats to peace and security, financing of armed groups, piracy, obstruction of humanitarian assistance, violations of international humanitarian law, and even the export of Somali charcoal. But, like its predecessors, Somalia's new federal government is especially preoccupied with just one aspect of the sanctions regime: the arms embargo.

The SFG has argued that the arms embargo has prevented it from arming and equipping its armed forces to the standard required to defeat Al-Shabaab. But this argument is based on a misinterpretation of the sanctions regime: in 2007, the embargo was modified to permit foreign governments to provide arms, ammunition, military equipment, training, and financing for Somali security forces, subject to prior approval by a Security Council Sanctions Committee. The authorization process was not onerous—a five-day, no-objection procedure—and only one offer of assistance was reportedly ever refused,¹⁵ although some offers of assistance were delayed while the Committee sought additional information or clarifications. Contrary to the TFG's claims that its troops were starved of guns and bullets, the hemorrhaging of arms, ammunition, and equipment from government military stores

14. Matt Bryden et al., *Report of the monitoring group on Somalia pursuant to Security Council resolution 1811 (2008)* (New York: UN Security Council, December 10, 2008), 12, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S2008%20769.pdf>.

15. The government proposing to provide military assistance, Iran, was itself subject to a UN embargo on the import and export of arms.

between 2007 and 2012 suggested that the military was receiving far more assistance than it could responsibly absorb.

Nevertheless, immediately after its formation in late 2012, the SFG renewed efforts to have the arms embargo lifted, and when the matter was tabled in the UN Security Council in March 2013, it received a sympathetic hearing. The United States was particularly eager for the SFG to be accepted as a sovereign government and lobbied hard for endorsement of the government's request. But not all Council members were convinced that the nascent authority in Mogadishu could be entrusted with unrestricted access to arms, fearing that weapons would continue to end up in the hands of Al-Shabaab and other non-state groups, and argued instead for a "phased approach."¹⁶ Somali government officials tried to address such concerns, unconvincingly, by asserting their "intention" to put in place "the necessary mechanisms" after the fact.¹⁷

A compromise eventually emerged in the form of Security Council resolution 2093, which eased the embargo for a period of one year: the SFG is now permitted to procure its own weapons, and foreign governments providing military assistance to Somalia no longer require prior authorization from the Sanctions Committee. But heavy weapons and certain types of sophisticated equipment (e.g., wire-guided anti-tank missiles, night-vision devices) remain prohibited, and the Council has imposed new and rigorous reporting requirements: the Committee must be notified in advance of all deliveries of weapons and military equipment, and the SFG must report every six months on the structure of the security forces, as well as the measures in place to ensure the safe storage, registration, maintenance, and distribution of military equipment. The Council has also mandated its own monitoring team to provide independent reports on these same issues.

It remains to be seen whether the modification of the arms embargo will indeed result in an appreciable development of the SFG's security forces, or simply provide Al-Shabaab and other armed opposition groups with enhanced access to weapons. But initial indications were not promising: just a week after the Security Council's decision, Somali media reported stocks of arms and ammunition were being systematically stolen from inside the Presidential compound, Villa Somalia. And in mid-2013, SFG-affiliated leaders in Lower Juba and Bakool regions had announced tactical alliances with Al-Shabaab, raising the possibility that the jihadists would receive indirect military support from the federal government.¹⁸

Far more important in the near term is the potential impact of the Council's decision on internal Somali political dynamics. The Council's "vote of confidence"¹⁹ in the SFG was not

16. UN Security Council, "Security Council extends mandate of African Union mission in Somalia for one year, partially lifts arms embargo originally imposed in 1992," March 6, 2013, <http://www.un.org/News/Press/docs/2013/sc10931.doc.htm>.

17. Amnesty International, "Somalia: UN arms embargo must stay in place," press release, March 4, 2013, <http://www.amnesty.org/en/for-media/press-releases/somalia-un-arms-embargo-must-stay-place-2013-03-04>.

18. Maalik Eng, "Cache of weapons stolen from Somali presidential palace," *Shabelle News*, March 16, 2013, <http://shabelle.net/cache-of-weapons-stolen-from-somali-presidential-palace>.

19. As expressed by Argentina's representative. UN Security Council, "Security Council extends mandate of African Union mission in Somalia for one year."

widely popular inside Somalia. The authorities in Puntland and Somaliland (which together control roughly half of Somalia's territory), as well as autonomous groups across southern Somalia, protested the decision on the grounds that it could "threaten their hard-won security."²⁰

By April 2013, Djibouti, Turkey, and Egypt had pledged military support to the SFG, and the American government had also cleared the way for future military assistance. Not surprisingly, sources close to the Somaliland and Puntland administrations revealed that they were both actively seeking to procure arms and ammunition to counter the perceived threat from Mogadishu.²¹ An incipient arms race was underway.

THE POLITICS OF STABILIZATION

The polarization of Somali political perspectives over the arms embargo question is a symptom of a deeper, inescapable fact: the stabilization of Somalia—including the defeat of Al-Shabaab—is primarily a political challenge, not a military one.

Despite its fearsome reputation, Al-Shabaab's successes have relied less on the movement's inherent strengths than on the vulnerabilities of its adversaries. Between 2007 and 2009, Al-Shabaab successfully exploited widespread outrage and nationalist indignation against Ethiopia's occupation of southern Somalia to boost its numbers and raise funds from the Somali diaspora.

Ethiopia's withdrawal in 2009 dimmed Al-Shabaab's appeal to Somali nationalists and foreign jihadists, but it left the movement in control of the southern Somali economy. Between 2009 and 2012, Al-Shabaab raised hundreds of millions of dollars in revenues at ports, airports, markets, and checkpoints. With the new TFG headed by Sheikh Sharif holed up in Mogadishu behind AMISOM defensive lines, communities across southern Somalia had little choice but to accept Al-Shabaab's black standard of jihad. But their loyalties were transient, and the committed jihadists in Al-Shabaab's ranks constituted only a small, hard core.

Since 2012, the combined efforts of AMISOM, Ethiopian, and Kenyan forces, together with their Somali allies, have changed the map of southern Somalia dramatically. Al-Shabaab has been pushed out of all major towns, and the loss of Kismayo in September 2012 deprived the jihadists of their single most important source of income, ensuring that the movement never regains its former strength. But Al-Shabaab has proven resilient and continues to control significant pockets across south central Somalia, especially in rural areas, retaining the capacity to mount ambushes, targeted killings, IED attacks, and even complex operations.

20. Jason Warner, "Somaliland Worries About Lifting of Arms Embargo in Somalia" in *Operational Environment Watch*, Vol 3, No. 4, April 2013, p.28, accessed at http://fmso.leavenworth.army.mil/Archives/GSW/Current/Africa_05.html.

21. Author interviews, April 2013.

Al-Shabaab's residual influence can be explained by three main factors: the determination and discipline of its core leadership (irrespective of divisions between them); the absence of rival authorities (including the SFG) across much of southern Somalia; and Al-Shabaab's skill in appropriating and exploiting legitimate local grievances for its own purposes. The jihadists' territorial "footprint" on the Somali map thus corresponds closely with areas inhabited by disgruntled and disaffected clans.

The SFG's strategy for confronting Al-Shabaab has so far been to beef up its security services, with a view to establishing a monopoly on the legitimate use of force. But in a country as fragmented and heavily armed as Somalia, this is not only a forbidding proposition, it is also fraught with risk: the empowerment of the SFG at the expense of other Somali groups is already sowing anxiety and tension. Stabilization efforts must be firmly anchored in a genuine political process if they are not simply to become another source of contention and armed conflict.

Where Al-Shabaab has successfully aligned itself with local interests, military action may serve to further antagonize communities, providing the extremists with local allies and broadening support for their cause. Countering the jihadist insurgency thus requires an integrated approach involving engagement with these communities, recognition of their legitimate concerns, and persuasion that their interests lie in embracing regional and national political governance processes.

The same holds true in areas "liberated" from Al-Shabaab, where the same grievances that once fostered support for the jihadists spill over into intercommunal tensions as clan elites compete for status, recognition, and representation in the "post-Shabaab" era. Here as well, the SFG's military involvement may be perceived to favor certain groups at the expense of others, exacerbating the situation instead of calming it. The government's stabilization efforts must therefore be politically led and militarily supported—not the reverse.

Somalia's Political Economy of State Collapse

Beyond the immediate challenges of stabilization lie the longer-term tasks of rebuilding core state institutions: the executive branch, judiciary, and legislature. But since the establishment of the TNG in 2000, hundreds of millions of dollars have been spent for this purpose in support of successive transitional governments, to little or no effect. Rampant, systemic corruption, consuming an estimated 70 percent of state revenues, is just one part of a much deeper and complex problem: the gradual evolution of Somalia's war economy, over the course of two decades, into a "political economy of state collapse."²²

In most respects Somalia's war economy resembles that of other conflict-prone and fragile states, featuring illicit financial flows; trafficking in arms, people, and contraband;

22. Matt Bryden et al., *Report of the monitoring group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)* (New York: UN Security Council, July 13, 2012), 12, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20545.pdf>.

marketing of counterfeit or expired commodities and merchandise; and profiteering of all kinds. But the Somali situation is further complicated by the capture of core state institutions and functions by political and commercial elites whose interest lies in the permanent weakness or absence of government. These pernicious networks of interest, corruption, and political influence have held previous state-building initiatives hostage, derailing successive attempts to stabilize the country. If they cannot coopt the new Somali federal government, they will seek to undermine it, and new actors seeking to exploit privileged relationships with the SFG leadership will almost certainly attempt to take their place.

STATE-BUILDING, STATE CAPTURE, AND CRISIS LORDS

Recent state-building efforts in Somalia have, without exception, contained the seed of their own failure in the form of state capture—corruption on a grand scale, in which private interests succeed in “manipulating policy formation and even shaping the emerging rules of the game to their own, very substantial advantage.”²³

The transitional national government (TNG) of 2000–2004 was widely perceived as being dominated by members of President Abdiqasim Salad Hassan’s Habar Gidir Ayr subclan, including some of its biggest businessmen, together with elements of certain Somali Islamist groups, notably Al-Islah. The TFG of 2004–2008 was closely identified with the clan-based political and security apparatus linked to President Abdillahi Yusuf, as well as corrupt business interests associated with Prime Minister Ali Mohamed Geedi.

State capture arguably reached its peak during the tenure of Sheikh Sharif (2009–2012). When Sheikh Sharif took power in January 2009, he brought with him into the TFG a little-known, diffuse interest group known as the Aala Sheikh—a name that implies an affiliation with the teachings of Sheikh Mohamed Ma’alim, the first prominent Somali scholar to graduate from Cairo’s Al-Azhar University. But the Aala Sheikh had no defined membership or organization, and while in office appeared to be united more by its unprecedented capacity to pilfer state coffers than by any cogent ideological orientation. Indeed, the scale of their avarice was so vast—between 70 percent and 80 percent of government revenues went unaccounted for, and much of the remainder was absorbed by the offices of the top three officials²⁴—that it could reasonably be described, not merely as corruption, but as cannibalism of the state apparatus.

The expanding problem of state capture was mirrored by the rise of another toxic feature of the Somali war economy: “crisis rents”—the manufacture or tolerance of crises in order to benefit from them.²⁵ In other words, many of the same interest groups

23. Joel Hellman and Daniel Kaufmann, “Confronting the challenge of state capture in transition economies,” *Finance & Development* 38, 3 (September 2001), <http://www.imf.org/external/pubs/ft/fandd/2001/09/hellman.htm>.

24. Bryden et al., *Report of the monitoring group on Somalia and Eritrea*, 12–13 and annex 1.1.

25. The term “crisis rents” was, I believe, coined by Professor Aisha Ahmed of the University of Toronto’s Department of Political Science, who suggested its use in this context.

responsible for Somalia's multifarious problems, such as insecurity, piracy, terrorism, and humanitarian suffering, have succeeded in portraying themselves as part of the solution in order to attract foreign assistance.

With respect to security and stabilization, this has involved portraying Al-Shabaab as an exclusively military problem in order to attract arms, ammunition, training, and other military resources. This has proven attractive to some of the SFG's international partners, who prefer to justify their military assistance in terms of "counterterrorism" rather than "counterinsurgency" or "state-building." But it obscures the roots of insecurity in southern Somalia, while enabling the growth of a veritable industry in training, equipping, and arming Somali security forces—forces that remain essentially clan militias, loyal to individual commanders rather than to the government. After almost a decade of training programs and hundreds of millions of dollars of military assistance, security in Mogadishu and other major Somali towns is dependent on the presence of AMISOM forces and is likely to remain so for the foreseeable future.

While corruption is part of the problem, leaders also misrepresent security threats in order to solicit additional resources. In one illustrative episode, an AMISOM-affiliated militia commander sent his militia to fire on African Union positions at night, subsequently claiming that Al-Shabaab fighters had infiltrated his positions because he lacked ammunition and other supplies, which AMISOM dutifully provided.²⁶

Piracy has been an equally useful lure for foreign assistance, engendering cynical alliances between Somali authorities and their pirate counterparts. Senior Puntland officials pocketed piracy proceeds and harbored known pirate leaders, while clamoring for foreign assistance to tackle the scourge. Puntland President Abdirahman Mohamed "Farole" ultimately succeeded in obtaining large-scale funding from the United Arab Emirates to build a "maritime police force" that became essentially a private army operating under his direction. Puntland's real counterpiracy successes were achieved through quiet engagement with the leaders of coastal communities, when foreign pressure made it untenable for the authorities to continue playing both sides against the middle.

Sheikh Sharif's TFG played a similar game, soliciting funding for a diminutive Coast Guard that could operate only off the Banaadir coast, in the immediate vicinity of Mogadishu, where there were no pirate anchorages for them to raid. Meanwhile, President Sharif issued a diplomatic passport to one of Somalia's most notorious pirates, Mohamed Abdi Afweyne, whom he designated "counterpiracy coordinator" for central Somalia, and offered amnesty to his militia. Although President Sharif claimed that these measures were intended to wean Afweyne and his men away from piracy, they continued to hold several vessels and their crews hostage until they received ransom payments. Afweyne has since established 'rehabilitation' camps for pirates in Mogadishu and Adaado – another attractive lure for well-meaning foreign donors.

26. Author interviews with AMISOM officers, Mogadishu and Nairobi, 2011.

Even humanitarian assistance has not been spared the predations of Somalia's "crisis lords." During the drought of 2010–2012, millions of Somalis were at risk of famine, mainly in the center and south of the country, triggering a major international response. But reports from both sides of the front line suggested that Al-Shabaab, government officials, and some NGOs were engaging in the most cynical form of rent-seeking behavior: exploiting hungry and powerless populations as a lure for foreign aid that they could then steal.

A June 2012 report by the UN Monitoring Group on Somalia and Eritrea found that camp managers and district officials for internally displaced persons (IDPs) were acting "as 'gatekeepers' to control physical access, manage aid resources and prevent effective monitoring of the use of aid."²⁷ The respected international NGO Refugees International subsequently described a system in which "'gatekeepers,' connected to local powerbrokers through a complex network of influence, regularly demand a portion of the aid that displaced people receive as 'rent.'"²⁸ An even more brazen practice involved the establishment of "ghost camps" that, according to a senior UN official, camp officials organized "for people to be there when aid agencies are visiting when in actual fact no one lives there."²⁹

International aid organizations and their donors have shared responsibility for such behavior through the lack of oversight and accountability mechanisms. But they have at times tolerated—some would say colluded with—the gatekeeper system in order to deliver assistance. In one such instance, the UN Monitoring Group claimed that a local NGO had placed all sixteen of Mogadishu's district commissioners on its payroll in order to gain access to IDP camps under their control.

In early 2013, the new SFG announced a plan to relocate some 270,000 IDPs currently scattered throughout the capital to three new camps on Mogadishu's outskirts, citing security and sanitation concerns. Aid agencies have expressed reservations about the plan, particularly about the government's ability to provide security and basic services. But there may be an even more compelling reason not to proceed down this route: the establishment of an even more sophisticated, state-sanctioned system of rent collection by the crisis lords.

Ending Somalia's Perpetual Transition

Despite the awkward, oft-repeated refrain that the SFG is Somalia's first "permanent" government since 1991, it is in fact an interim authority founded on a provisional constitution, and before its mandate expires in August 2016 it must complete the unfinished

27. Matt Bryden et al., *Report of the monitoring group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)* (New York: UN Security Council, July 13, 2012), 26, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S%202012%20545.pdf>.

28. Mark Yarnell, "Stealing from those who have nothing: The 'gatekeepers' of Mogadishu," Refugees International, October 9, 2012, <http://refugeesinternational.org/blog/stealing-those-who-have-nothing-%E2%80%99-mogadishu#sthash.weqKNEE8.dpuf>.

29. IRIN, "Somalia: Mogadishu IDPs suffer extortion, eviction," AllAfrica.com, November 1, 2012, <http://allafrica.com/stories/201211011032.html>.

transitional tasks it has inherited from its predecessors: namely, the development of a federal system, a constitutional review and referendum, design of an electoral system, and preparations for elections in 2016.³⁰ Failure to accomplish these tasks on schedule would almost certainly result in a political and constitutional crisis, leading either to the unilateral extension of the current SFG's mandate or an improvised progression to the next "post-transitional" government. Both of these scenarios would be fiercely contested, and would further delay—if not derail entirely—Somalia's seemingly interminable transition to normalcy.

It is therefore disconcerting that none of these fundamental duties is explicitly addressed in the government's Six Pillar strategy and that, almost one year into the SFG's term of office, no meaningful progress has been made to realize them. According to the provisional constitution, at least 12 articles must be amended and 22 laws enacted during the federal Parliament's first term. Other transitional imperatives, including the foundations of federal governance and the development of an electoral system, are to be entrusted to independent commissions that should have been established within sixty days of the formation of the cabinet. But at the time of writing, these remained on the drawing board, and neither the SFG nor the parliament has shown any real sense of urgency in meeting these crucial constitutional obligations. Instead, they impaled themselves on an issue that has threatened to derail the transitional process altogether and plunge Somalia back into civil conflict: Jubaland.

THE JUBALAND INITIATIVE

In May 2012, talks aimed at the establishment of the "state government of Jubaland" in southern Somalia convened in Nairobi, Kenya, under the auspices of IGAD. A task force comprising representatives of the IGAD secretariat, Ethiopia, Kenya, and the TFG was formed to steer the process, which was labeled the "Grand Stabilization Initiative for Southern Somalia." A Somali "technical committee," initially comprising members of the principal armed factions in the Juba Valley, was incrementally broadened to include over 30 representatives from all major clans. The negotiations aimed to unify the three administrative regions of Lower Juba, Middle Juba, and Gedo under a single interim authority that would constitute a new federal member state of Somalia alongside Puntland.

Kenya and Ethiopia, whose forces were engaged in fighting Al-Shabaab in these regions and who jointly provided the political impetus behind the talks, both considered the stability of these regions vital to the security of their own borders. The Kenyan government, in particular, viewed the formation of a stable Jubaland authority as the cornerstone of an exit strategy for its troops in Somalia. For the two neighbors to agree on a common position on the issue was in itself an achievement: Kenya had been supporting and training the "Azania" forces—a faction headed by former Somali Defense Minister Mohamed Abdi Mohamed "Gandhi"—which it viewed as the cornerstone of a new Juba Valley authority, while Ethiopia had greater faith in the Ras Kamboni Brigade (a mainly Ogaden clan militia

30. As articulated in Security Council resolution 2012 (2013), paragraph 2(b)iii.

headed by former Al-Shabaab commander Ahmed Mohamed Islaam “Madoobe”) and the militant Sufi organization Ahlu Sunna wal Jama’a. Eventually both governments agreed to set aside their proxies, in the understanding that only an inclusive, broadly based process would produce a stable, viable Jubaland authority. But skeptics, including Sheikh Sharif’s TFG, inferred more sinister motives, including the annexation of Somali territory endowed with oil reserves, fisheries, and other natural resources.

Given Sheikh Sharif’s truculence, the other members of the IGAD task force were hopeful that the new Somali federal government would play a more constructive role, taking ownership of the process and relocating it from Kenya back into Somalia. They were disappointed: following its establishment in September 2012, the SFG moved quickly to scuttle the Jubaland dialogue, proposing an alternative, “bottom-up” process in which the central government would appoint district-level officials, incrementally building upwards to the regional and interregional levels. Ethiopian and Kenyan officials viewed the SFG’s proposals as not only unrealistic but deliberately obstructive, and a signal that the new Somali government did not in fact intend to put in place a federal system of governance.

In February 2013, as the IGAD initiative became deadlocked, the Somali technical committee relocated from Nairobi to Kismayo, pressing forward with preparations for a conference without IGAD’s official backing. On February 28, the conference officially convened with over 800 delegates reportedly in attendance. In early May 2013 the delegates approved an interim charter, and on May 15, in the teeth of fierce opposition from the SFG, the conference elected Ahmed Madoobe, leader of the Ras Kamboni forces, as interim president of Jubaland.

JUBALAND AND SOMALIA’S PROVISIONAL CONSTITUTION

The SFG had consistently labeled the Jubaland initiative as “unconstitutional” and refused to recognize the declaration of the “state government of Jubaland” headed by “President” Madoobe. The federal government was encouraged in its opposition by the declaration by Barre Aden Shire “Hiiraale”—a veteran warlord who had arrived in Kismayo from Mogadishu just weeks earlier—that he was also president of Jubaland.³¹ In a statement the following day, Prime Minister Shirdoon “disowned” both presidents,³² and Abdikarim Hussein Guled, the SFG interior minister, gave a press conference at which he called upon federal government troops and AMISOM peacekeepers to be “neutral” in the event of violence in Kismayo³³—somewhat disingenuous statements, since Barre Hiiraale had arrived in Kismayo from Mogadishu with the SFG’s implicit blessing.

³¹ Five other politicians followed suit in declaring themselves “president” of Jubaland. Barre Hiiraale, however, represented by far the most serious threat to Madoobe’s administration.

³² Abdulkhadir Khalif, “Somali prime minister disowns Jubaland ‘presidents,’” *The East African*, May 18, 2013, <http://www.theeastafrican.co.ke/news/Somali-Prime-Minister-disowns-Jubaland—presidents—/2558/1856336/-/1of9jv/-/index.html>.

³³ Garowe Online, “Somalia: President Madobe nominates Gen. Fartaag as Jubaland vice president,” AllAfrica.com, May 17, 2013, <http://allafrica.com/stories/201305180132.html>.

The SFG's position on the constitutionality—or otherwise—of the Jubaland initiative is problematic for a variety of reasons. The provisional constitution itself is a poorly crafted document rife with internal contradictions, omissions, and ambiguities; nowhere are these deficiencies more pronounced than with respect to the question of federalism, leaving plenty of scope for legitimate differences over the issue. Not surprisingly, an IGAD mission to Kismayo in the wake of Ahmed Madoobe's election observed that, while all parties to the dispute acknowledged the need to follow the provisional constitution, there was “a difference in interpretation [. . .] between the Federal Government and various stakeholders in Kismayo.”³⁴

Even a superficial reading of the constitution reveals that “differences in interpretation” are all but inevitable. Most importantly, the constitution does not explicitly assign the SFG a leadership role in the establishment of federal member states. Instead, it assigns the ultimate responsibility for determining the number and boundaries of federal member states to the lower house of Parliament, which must establish an independent “Boundaries and Federation Commission” for that purpose. This commission, which should have been established within sixty days of the formation of the government, does not yet exist.³⁵

The constitution also stipulates that one or more regions may voluntarily merge, while respecting the administrative boundaries that existed prior to 1991, but it doesn't specify who within each region—regional governments, elders, or other stakeholders—has the power to conduct a merger. Instead, it asserts that, prior to joining a federal member state, individual regions shall be “directly administered by the Federal Government for a maximum period of two years.”³⁶ This provision potentially allows the SFG a key role in federal member state formation—captured in its bottom-up stabilization strategy—through the appointment of the “interim local authorities” that would eventually come together as regions and states. Critics, however, see the stabilization strategy as a thinly veiled bid by the SFG to exercise centralized control over the development of the federal system, and possibly to dismantle the architecture of federalism altogether. And since the SFG anyway controls very little territory outside the capital, it appears to be fundamentally impracticable in much, if not most, of Somalia.

But it is Article 142 of the provisional constitution, which requires that existing federal member states “be consulted in the decision-making process regarding the federal system,” that could potentially elevate the Jubaland question from a dispute over regional administration building to a national political crisis. There currently exists only one federal member state, Puntland, and its views on the Jubaland question are diametrically opposed to those of the SFG.

34. IGAD, “Report of the IGAD confidence building mission to Mogadishu and Kismayo, 16–19 May 2013,” <http://www.ceegaag.com/wp-content/uploads/2013/05/REPORT-ON-THE-IGAD-MISSION-TO-MOGADISHU-AND-KISMAYO-161.pdf>.

35. Provisional constitution, article 135(2.e).

36. Provisional constitution, article 48(2). Somaliland is acknowledged by the SFG as a self-governing entity but considers itself to be an independent state rather than a member of the federation, and its final status is the topic of an ongoing dialogue with the SFG.

Since its establishment in 1998, Puntland has been the driving force behind the introduction of a federal constitution, and its current president, Abdirahman Faroole, was one of the signatories to the Road Map that resulted in the provisional federal constitution and the SFG. Furthermore, Puntland defines itself as the territory of the Harti subclan of the Darood—a group that has put down deep roots in Kismayo since the early part of the twentieth century. Prominent Harti political figures were deeply involved in the Jubaland initiative, the Puntland administration provided political and financial support for the Kismayo conference, and Puntland has since recognized Ahmed Madoobe as Jubaland’s president. In clan terms, this has activated a genealogical alliance known as “Kablallah,” which unites the Absame (of which the Ogaden are a part) and the Harti clans. By choosing to entirely disregard Puntland’s position on Jubaland, the SFG is potentially opening a much deeper, more dangerous rift in the Somali social and political landscape.

A BRIEF HISTORY OF SOMALI FEDERALISM

Rancor between federalists and unitary centralists has been a recurrent feature of Somali politics since even before the establishment of an independent Somali Republic in 1960, reflecting deep-seated political and social schisms not only over the critical issues of power sharing, representation, resource sharing, and security, but also over such fundamental questions as the nature of citizenship and Somali identity.

Federalism was first championed by the Hizbia Digil-Mirifle Soomaaliyeed (Somali Digil-Mirifle Party), which was founded in 1947; the group feared the dominance of an independent Somalia by majority pastoral clans. But their concerns were swept away by the much larger chorus of voices calling for Somali unity and independence under a single flag and a unitary government, represented primarily by the Somali Youth League. Federalism was again briefly mooted in the late 1980s by rebel groups fighting to bring down the Barre regime, but these forces agreed on little else, and any commitment to a federal state apparently collapsed with the Somali government in 1991.

The establishment of Puntland in 1998, which perceives itself as the cornerstone of a future federal Somalia, revived the longstanding debate over Somali federalism—but in such a way that it acquired menacing undertones of clannishness and regional geopolitics. Puntland’s self-identification with the people and territories of the Harti subclan is perceived by many Somalis as a dangerous variant of Ethiopia’s “ethnic federalism” and an extension of Ethiopian foreign policy intended to “balkanize” and structurally enfeeble the Somali state. This feeling has been strengthened by the strong support that Puntland has received from Ethiopia since its inception.

In 2000, just two years after Puntland’s inception, the transitional national government (TNG) was established by a conference at Arta, in Djibouti. The TNG represented a unitary and centrist vision of the Somali state, reaffirming the 18 administrative regions that existed in 1991 under the leadership of a strong central government. It was a vision that many Somalis, especially proponents of federalism, identified with the Hawiye clan, and it received the quiet approval of Egypt, Ethiopia’s longstanding strategic rival for influence in Somalia.

Ethiopian hostility to the TNG—combined with the arrogance, avarice, and incompetence of its leadership—ensured that the new government remained embattled and ineffective, paving the way for the formation of the TFG headed by Puntland’s former president, Abdillahi Yusuf Ahmed, in 2004. Once again, this federalist initiative was championed by a Darood leader and overtly backed by Ethiopia. Moreover, the TNG enjoyed the backing of various Somali Islamist groups, including former jihadists, whereas the TFG leadership portrayed itself as essentially secular and Western-leaning, with proven anti-jihadist credentials. The polarization of competing political visions, clan constituencies, and geopolitical allies had rarely, if ever, been so clear or pronounced, heralding a new and devastating phase of the Somali civil war.

The adoption of a federal constitution in 2004 thus failed to resolve the historical tensions over federalism: it aggravated and escalated them. But as successive TFG administrations struggled for survival against the threat of a rampant Al-Shabaab, neither they nor their international partners perceived value in reopening a constitutional debate on federalism. The result, in 2012, was the emergence of a diabolical political paradox: a Somali federal government with patently anti-federal inclinations. The long-suppressed debate over Somali federalism resumed in earnest, and the primary question quickly became whether the matter would be settled through “lawfare” or warfare.

“LAWFARE” OR WARFARE?

In late May 2013, tensions between the SFG and Ahmed Madoobe’s Jubaland administration escalated sharply as both sides engaged in a Somali version of “lawfare”: invoking the provisional constitution to delegitimize their opponent while rallying support for their own positions.

Neither party encountered great success: Somalia’s international partners, aware of the constitution’s ambiguities and eager to avoid triggering a conflict, generally remained neutral on the issue. Inside Somalia, however, public opinion diverged largely along clan-based fault lines, with members of the Hawiye generally supporting the SFG while the Darood, with the exception of the deeply divided Marehan, backed Jubaland. Puntland, whose opinion as Somalia’s only federal member state carries constitutional weight, ramped up its campaign in support of Madoobe, with President Faroole traveling to Nairobi and joining Jubaland leaders at a well-publicized meeting with Kenyan President Uhuru Kenyatta.³⁷

On the ground in Kismayo, there was little sign that either party intended to rely on lawfare to achieve its aims, as both began to mobilize and arm various clan militias. Madoobe could count on the backing of most Darood clan militias (with the exception of parts of the Marehan subclan), while the SFG—whose minister of defense and senior military commanders traveled to Kismayo to muster pro-government militia forces—aimed to

37. See, for example, “Daawo Sawirada: Farole, Gandhi, iyo Cumar Cabdirashiid oo kulan la qaatay Mwaynaha Kenya Uhuru Kenyatta,” *Saadaal News*, June 3, 2013, <http://saadaalnews.com/2013/06/03/daawo-sawirada-farole-gandi-iyo-cumar-cabdirashiid-oo-kulan-la-qaatay-mwaynaha-kenya-uhuru-kenyatta>.

mobilize support from among various Hawiye groups as well as part of the Marehan. An undeclared centerpiece of his strategy was the revival of the Juba Valley Alliance, a coalition of Hawiye, Habar Gidir, and Ayr and Darood and Marehan forces from Gaalgaduud region, that had seized control of Kismayo in 1999 and successfully held it until 2006. The alliance's commander was Barre Hiiraale, Ahmed Madoobe's self-declared rival for the title of Jubaland president.

The SFG was not alone in mobilizing to fight the new Jubaland authority: Al-Shabaab also had an axe to grind, since Madoobe—himself a founder and former leader of Al-Shabaab—had split from the group in 2008 and campaigned against them ever since, dislodging them from Kismayo with Kenyan support in 2012. Like the SFG, Al-Shabaab was relying upon disgruntled local clans to provide fighters and support for its operations against Madoobe. By May 2013, there were signs of local collusion between pro-SFG and Al-Shabaab militias, as Al-Shabaab allowed pro-SFG forces to move troops and weapons unmolested through their territory (and even their roadblocks) as they converged on Kismayo to challenge Madoobe. In early July, the SFG's principal ally in Lower Juba, Barre Hiiraale, announced that his forces were co-located with Al-Shabaab and planning joint military operations against Madoobe.³⁸ The SFG appeared to be dangerously close to finding itself in a tacit “understanding” with Al-Shabaab as they confronted a common adversary.

In June 2013, both sides opted for genuine warfare. Fighting erupted between Madoobe's forces and local militia aligned with the SFG, leaving dozens of people dead and triggering an exodus of civilians from Kismayo. In late June, as Ras Kamboni forces gained the upper hand in the battle and took full control of Kismayo town, delegations from Jubaland and the SFG met in Addis Ababa to hammer out a political compromise.

For the SFG, an enduring political resolution to the Jubaland crisis is not just desirable: it's a necessity. A direct confrontation over control of Kismayo would have implications far beyond Jubaland. Regardless of the outcome, the SFG would earn the enduring hostility of Jubaland supporters both inside and outside Somalia (most of them from various Darood clans), further eroding its already narrow base of support. Relations with Puntland would be seriously if not irreparably damaged. And the federalist divide in Somali politics would yawn even wider, threatening any prospect of successfully concluding a constitutional dialogue, referendum, or credible elections by 2016.

SOMALILAND AND THE QUESTION OF SOMALI UNITY

The SFG's intransigence on the Jubaland question contrasts sharply with its apparent willingness to engage in dialogue with the unrecognized republic of Somaliland, which declared independence from Somalia in 1991 and seeks recognition as a separate state. Building on two previous rounds of talks in June 2012 between Somaliland and the TFG

38. See, for example, Warkii.com, “Barre Hiiraale oo ka dhawaajiyey Hadal la yaab leh “Anaga iyo Al-shabaab isku Mowqif ayaan nahay” 4 July 2013, accessed at <http://www.warkii.com/war-culusbarre-hiiraale-oo-ka-dhawaajiyey-hadal-la-yaab-leh-anaga-iyo-al-shabaab-isku-mowqif-ayaan-nahay/>.

headed by Sheikh Sharif, President Hassan Sheikh met with Somaliland President Ahmed Silanyo in Ankara on April 13, 2013. The two sides signed a seven-point accord and agreed to meet again in Istanbul within 90 days. Despite these promising overtures, as with the Jubaland dispute, any genuine progress must overcome deeply entrenched positions, ideological rigidity, and the domestic frailty of both governments.

A negotiated settlement is the best that either side can currently hope for. The SFG is weak and embattled, and given the challenges it faces in southern Somalia, it has no realistic prospect of imposing its will on Somaliland within its term of office. Any attempt to do so unilaterally would only serve to aggravate the situation unnecessarily, and might even alienate some of Somalia's international partners—especially the United Kingdom, which hosted the first round of Somalia-Somaliland talks in 2012, launching the current dialogue.

Somaliland's fortunes are also at a low ebb. More than 22 years after its unilateral declaration of independence, Somaliland has yet to be recognized by a single foreign government. The widespread international recognition of the SFG, irrespective of its empirical weakness, pushes the likelihood of third-party recognition even further out of reach.

Moreover, international sympathy for Somaliland's cause has been closely tied to the territory's track record in democratization and human rights. But Somaliland's electoral cycle is currently in disarray: local elections in November 2012 were less orderly than past polls and the results fiercely contested, leading for the first time to several deaths and damaging public confidence in the electoral process. Parliamentary elections, originally scheduled for 2010, are already three years overdue, and elections to the legislature's upper house, known as the *Guurti*, have never taken place: no electoral law governing the *Guurti* even exists because of resistance from its incumbent members. A bitter internal feud over the question of voter registration may result in further postponement of the next parliamentary and presidential elections (currently scheduled for 2015), imperiling Somaliland's entire democratic process.

Equally problematic, in the context of political dialogue, is the diminishing credibility of the Somaliland government's claim that it represents a cross-section of the territory's clans. Vocal minorities have long opposed Somaliland's quest for independence, arguing that it is an agenda associated solely with the dominant Isaaq clan. Previous administrations could refute this claim by pointing to the genuine participation of members of all clans at all levels, across the government. Somaliland's last president, Dahir Rayale Kahin, who governed from 2002 until 2010, was a member of the Gadabursi clan; Parliament and the Supreme Court, National Electoral Commission, and police force have also generally been headed by non-Isaaq officials. Today, however, all of these institutions are headed by members of the Isaaq, tarnishing Somaliland's past credentials as a genuinely pluralistic, democratic polity.

As the dialogue progresses, it will get harder, not easier, since the two governments remain wedded to irreconcilable positions: the SFG is required by the

provisional constitution to defend the unity and territorial integrity of Somalia, and would risk political suicide were it to consent to Somaliland's separation. Conversely, the Somaliland government is bound by its own constitution to defend Somaliland's independence and would face domestic upheaval if it consented to rule from Mogadishu.³⁹ Both sides face acute domestic challenges and are unwilling to appear weak on such an explosive, existential issue.

Despite their joint commitment “to refrain from using inflammatory language and other acts which may put the continuation of the dialogue at risk,” the tenor of public exchanges between the two sides has been growing ever more heated. Somaliland refused to participate at a major international conference on Somalia in London because, in the words of President Silanyo, it failed to recognize “Somaliland's unique status or move forward our long fight for international recognition.”⁴⁰ Barely a week later, when the UN International Civil Aviation Organization announced that it planned to hand control of Somali airspace over to the SFG, the Somaliland government—which had long administered its airspace separately, under UN auspices—banned all UN flights from entering or leaving its airspace. And on May 18, 2013, on the 22nd anniversary of Somaliland's declaration of independence, SFG President Hassan Sheikh pointedly made a speech in Mogadishu describing Somalia's unity as “sacred” and calling upon Somaliland to abandon its quest for independence.

Such posturing underlines the fact that neither side wishes to appear ready to cede ground over their fundamental political differences. Nor is either government likely to agree to engage in any dialogue whose outcome is ostensibly predetermined in favor of the other. Ultimately, the only feasible pathway to the peaceful determination of Somaliland's “final status” is therefore likely to be an open-ended dialogue—possibly based on African precedents such as Ethiopia and Eritrea and Sudan and South Sudan—through which either unity or separation could be peacefully and enduringly achieved. But timing and tempo will be critical: neither side is currently in a strong enough position to commit to such a risky undertaking.

A third round of talks in Istanbul between 7–9 July 2013 produced an agreement to establish a mechanism for joint airspace management and a commitment to meet again after 3 months. This very modest progress underscores that even supposedly “safe” technical topics such as the allocation of foreign assistance, airspace management, and security cooperation are highly charged, courting the risk of disagreement, rupture, and mutual recriminations—outcomes that would render this seemingly intractable problem even more entrenched.

39. For more on this topic, see Matt Bryden, “Somalia and Somaliland: Envisioning a dialogue on the question of Somali unity,” *African Security Review* 13, 2 (2004): 23–33.

40. Ahmed Mohamed Mohamoud Silanyo, “London's Somalia conference does not recognise Somaliland—we cannot go,” *The Guardian*, May 7, 2013, <http://www.guardian.co.uk/commentisfree/2013/may/07/london-somalia-conference-somaliland>.

Beyond the Transition: Toward Enduring Peace and Security

There are just over 36 months remaining in the SFG's term of office. If all goes as it should, a minimum of one full year will be required to organize and conduct a constitutional referendum and elections. That leaves at most 24 months in which to conclude the constitutional review process, complete the federal system, and craft an electoral law. Only by taking up these tasks urgently and remaining fully focused on them will the government and parliament have the slightest chance of achieving them. Equally important, they should do so in a way that fosters political accommodation and social reconciliation, rather than deepening the fissures that still divide the Somali people.

The SFG is not a government of national unity, nor even a coalition of the Road Map signatories. It has acquired a character of its own, and—its sovereign status notwithstanding—has essentially become just one of several major actors competing to shape Somalia's future. Roughly two-thirds of the national territory is still controlled by de facto Somali authorities that distrust the SFG and reject its centralizing tendencies, and the remainder is contested between the SFG and Al-Shabaab. By struggling to assert its authority, to monopolize the national political space, and to impose its own political vision on the rest of the country, the SFG is polarizing Somalia and damaging its own prospects of success. Unless the federal government can enlarge its base of legitimacy and acceptance to include Puntland, the Jubaland administration, and other authorities in central Somalia—regardless of Al-Shabaab's fortunes—it cannot realistically expect to conduct any credible constitutional or electoral process by 2016.

GOVERNANCE OF NATIONAL UNITY

State-building and constitution-making are best accomplished on the basis of a broad national consensus, not inflicted by one political unit upon all others. This is especially true of Somalia, where the legacies of protracted state collapse and the SFG's relative weakness vis-à-vis other Somali actors leave few other options. But it is neither credible, nor even desirable, to expect the SFG to now remake itself as a government of national unity. Such a process would be unwieldy and institutionally destabilizing and would consume valuable time that the SFG can ill afford to waste. But a much broader consensus around the country's future political institutions and systems is required if Somalia is to achieve enduring peace and stability.

The independent commissions established under the constitution offer one vital opportunity for the SFG to demonstrate its declared commitment to a genuine national dialogue, based on consultation, accommodation, and mutual respect. Although all of the commissions have important mandates, five of them have particularly critical roles to play in the completion of the transition: the Independent Provisional Constitution Review and Implementation Commission, the Boundaries and Federation Commission, the Independent National Electoral Commission, the National Security Commission and the Inter-State Commission.

By appointing respected commissioners who represent not only the views of the SFG but also of its skeptics and detractors, the federal Parliament would be taking the first step toward restoring confidence in central government and the national political process. Credible, broadly based national commissions would enjoy access even to parts of the country where the SFG is viewed with hostility and suspicion, reviving genuine dialogue and building political bridges.

Their findings and recommendations would almost certainly diverge in important ways from the vision of the SFG's current leadership, but they would by the same token gain wider acceptance and lend greater legitimacy to Somalia's future national institutions. And if a reasonable extension of the federal government's lifespan proves necessary in order to permit credible, independent commissions to complete their tasks, it is much less likely to trigger a national crisis than if the transitional process is too closely identified with the SFG.

The long-term challenges of rebuilding Somalia extend far beyond the SFG's term of office or the scope of this paper: the restoration of public confidence in state institutions and political leadership; the revival of a sense of shared citizenship; politics that are defined more by issues than by identity; and the enlargement of social justice, to name but a few.

But for these aspirations to be realized, Somalia must finally liberate itself from conflict, from captivity by predatory political and commercial elites, and from the treacherous constitutional limbo of its seemingly interminable political transition.

The election of President Hassan Sheikh and the establishment of the Somali federal government resonated with the profound and widespread Somali desire for change. But if the SFG abuses domestic and international goodwill in order to impose a narrow political or sectarian agenda on Somalia, then it will be remembered not for the change it brought, but instead for the promise of change denied.

About the Author

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