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REVERSING STATE FAILURE IN SOMALIA: POLICY AREAS AND POLITICAL PROCESSES IN NEED OF CHANGE

ABSTRACT

In 2012, after over twenty years of being a failed state in conflict with the neighbours and a mosaic of warring clans and religious factions, Somalia was offered a chance to become a functioning country. With extensive foreign support, the Somalis adopted a provisional constitution, and elected a parliament, which elected a president. In 2013 Somalia signed a Compact that contained detailed plan for rebuilding state structures and institutions for the following there years. However, the implementation of the plan faces a multitude of challenges, including among others the particular interests of clan leaders, Al-Quaeda-supported Al-Shabab militia, and lack of perspectives for the young generation. What the state needs besides continued external support is the bottom-up process of establishing authorities and young leaders.

Key words

Somalian reforms, failed state, Somalian Compact, political Islam

Executive Summary

For more than two decades Somalia has been seen internationally as an example of a failed state. Following the brutal civil war in the early 1990s, a central government or any entity exerting power and control over the territory has *de facto*

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ceased to exist. Since then, apart from pockets of stability in the north (Somaliland, partly Puntland) the people of Somalia have been living in a perpetual state of crisis, struggling with daily survival under the constantly changing influences of warlords and clan militia leaders, corrupt temporary authorities and brutal Islamist groups.

In 2012, a new hope came for Somalia, with prospects to move away from the state failure, and onto a path of statebuilding and stability. Under strong international pressure, the Somali political elite agreed on a provisional constitution, and formed a federal government. This government gained international recognition and funding; supported by African Union troops, it was offered the best chance the Somali citizens had had since the state collapsed.

Two and a half years later, the current government remains fragmented, and has been close to collapse several times. The political settlement is very fragile, and security conditions remain critical, with donor confidence waning. In these conditions, can and will the peace process withstand a serious crisis? What are the policy and political developments necessary for this to happen? This paper aims to review the key challenges that Somalia's current political transformation faces following the adoption of the Provisional Constitution. It analyzes key policy and political process areas which need significant attention in order for the peace process to move forward. The paper also elaborates on crucial change factors across these policy and political areas which are essential for the country to gradually stand on its own feet.

A short historical background forms the basis for understanding the origins of those factors as well as the underlying historical aspects that continue to have a direct influence on present and future events. The following section provides an analysis of the security situation on the ground and examines socio-economic areas, including livelihoods as well as justice and traditional governance, with a particular focus on the youth. The paper looks next at the influence of Islamism and political Islam, as it shapes the political class and affects policy development, including the extreme form championed by the Al-Qaida affiliated Al-Shabab militant group. In addition, the paper reviews aspects of identity, clan politics and interests, both linking and dividing current political actors during the recent transition. The stakes and approaches of regional and international actors involved in Somalia are also examined.

The subsequent section reviews the keys to solidifying and legitimately institutionalizing the political settlement: the process of federating Somalia, agreeing on a reviewed constitution and holding elections. The paper concludes with final observations on these political governance priorities and an outline of the vital

change factors that could forge breakthroughs and set Somalia on a path that averts state failure and leads towards progress.

1. Background

The Somali state did not collapse due to a sudden incident, but rather through a combination of internal and external historical events and processes. The key areas and factors which need to be analyzed to understand state failure and seek policy resolutions are strongly grounded in Somalia's history.

The decolonization period saw the re-unification of Somaliland and Somalia into one country in 1961. Today Somaliland, which claims full independence, stresses this was a forced process. The post-colonial period also saw the first (and last) free and fair election, and the adoption of a constitution through a referendum. This time is still evoked by Somali leaders today as an example that democratic processes can be introduced in the country. Following the 1969 coup d'etat by Colonel Siad Barre, an era of socialist ideology and various socioeconomic experiments based on Soviet systems was imposed, blocking proper economic development. The Barre presidency became an oppressive regime with a long and gruesome list of human rights abuses, including jailing and torturing any political opponents. Although official state policy banned clan recognition in public life, Barre himself relied on his clan, creating a dominating inner circle while neglecting and oppressing other groups. These processes have both failed to develop a system of governance which would include the clan reality, and at the same time it set the stage and established an example for power grab and polarization of clan relations. The Barre regime also led to the 1977–1978 Ogaden War, when it attacked Ethiopia and switched the allegiance to the US and the West. The ramifications of that war still overshadow regional relations in the Horn of Africa.

As the Cold War ended, ineffective administration, growing oppression and single clan domination marked the beginning of Barre's downfall. As dissent against Barre's rule grew, the Northern clans from Somaliland rebelled; this led to fights in which 50,000 people were killed and 700,000 displaced. The brutality against the Isaaq clan was one of the driving forces behind a peace deal among the sub-clans and Somaliland, and the basis for its claim to independence. Other clans across Somalia also perceived the fall of the regime as a moment decisive for the future–armed struggle erupted and warlords strove for leadership positions (Hogg, 2008). The fighting in South and Central Somalia was most fierce

between 1991–1992. The violence took the form of a multi-front clan war, with looting, banditry and brutality common on every side (World Bank, 2005). The implications for the population were catastrophic, affecting farming and live-stock breeding, which resulted in famine. The mistrust and grievances from this time still haunt the politics of Somalia.

During the civil war, horrifying images of extremely malnourished children spread around the globe; in response, the international community deployed the United Nations Mission in Somalia (UNOSOM). Following the mission's inability to secure humanitarian aid, which was continuously looted by local forces, UNOSOM deployed 30,000 troops, including a US military intervention force (GlobalSecurity.org, n. d.). The US intervention initially succeeded, securing aid for the civilian population and halting the famine. However, when the objectives were redefined further to include "nation building", they resulted in a direct military operation against the warlords. The Somali population viewed this approach with suspicion and negativity, which culminated in the infamous shooting down of Black Hawk helicopters and the subsequent street battle in which nineteen US marines were killed. These events shaped a long-lasting disengagement of the West (particularly the US) from Somalia, re-focused international assistance on humanitarian goals, and led to a lasting suspension of foreign engagement in Somalia. The 1990s saw the collapse of the Somali state. Lines and borders of influence were continually changing and militia leaders seized power one after another. The war economy depended on zero regulations, smuggling and profiteering – and until today this state of affairs, involving many political actors with vested interests, is a major obstacle for stability.

During the 2000s, IGAD has sponsored a series of peace conferences, concluding in agreements on forming a Transitional Government (TFG). However, the ineffectiveness and internal fighting within the TFG, and therefore the lack of direct governing, caused the Islamic Courts around Mogadishu to unite and form the Islamic Courts Union (ICU). These courts made swift political advances and brought a degree of stability and governing systems unseen in the previous fifteen years. Nonetheless, the international community, particularly the United States, feared an Islamic movement, equaled it with groups supporting terrorism, and have hampered the ICU's process. In 2006, a US-backed Ethiopian military intervention marked a return to more violent conflict. Ethiopian troops defeated the ICU and took Mogadishu. This left the ICU's radical and well-armed youth wing to continue the armed struggle and gave rise to the Al-Shabab organization. These events made it possible for Al-Shabab to gain further power; most Somalis remained united against what they saw as a foreign

aggression and they welcomed even radical groups. When finally the Ethiopian army withdrew in 2009 without any success in bringing stability, major swathes of land including Mogadishu were left in a power vacuum that was quickly filled by the Al-Shabab militia.

By the end of 2009, the humanitarian situation across Somalia turned grave. A new phenomenon emerged in the form of piracy along the Somali coast, and later expanded into the broader area of the Gulf of Aden and the Indian Ocean. This once again drew international attention. A new push for the formation of Federal Government of Somalia (FGS) commenced, with a series of dialogues and negotiations resulting in the adoption of a roadmap to develop a provisional constitution, and establish a new federal government. In the meantime, in 2011 the African Union forces managed to free Mogadishu from Al-Shabab control and the TFG was confined to parts of Mogadishu. In the same year Somalia was struck by famine, which required a major humanitarian response and accelerated the push for an agreement on the Provisional Constitution as well as formation of a new federal government.

The situation reached a turning point in August 2012, when a National Constituent Assembly was held in Mogadishu, adopting a Provisional Constitution and electing a Federal Parliament, which then chose a new president. Contrary to general beliefs, the former TFG leaders did not win these elections, but new faces hailing from the civil society movement and the diaspora took the helm. As much optimism as these events have brought, after two and a half years, many Somalis and international partners are losing confidence and hope. 2015 is seen as a make or break year, given the transition timeline set in the Provisional Constitution. While unrealistic in terms of timelines, the goals set are right, but changes in Somalian policy and politics must occur to achieve them.

2. Issues of Security, Territorial Integrity and Control

The most important change Somali people expect from the transition is a sense of security. Security for individual citizens and communities and control over violent forces are the areas where the progress needs to be made. Today, large parts of Somalia remain outside government control and function through threat of violence instead of the rule of law. Somalia's success will largely depend on the state's ability to gradually change itself. The last two decades prove that this change must come primarily from within Somalia's governing system and cannot be achieved through means of external help.

Yet today without a doubt the federal government upheld by the presence of the African Union Mission in Somalia (AMISOM)¹, currently the most powerful force in Somalia. They are responsible for protecting government institutions and are at the forefront of the offensive to reclaim territories across South-Central Somalia. Yet the 2013/2014 advances of AMISOM in regaining territory from Al-Shabab have also resulted in increased influence of local militia groups, particularly at the Ethiopian and Kenyan borders. In the absence of local government structures, and with the lack of central government, these groups quickly gain dominance. These new influences affect the political composition of regions and processes of forming new federal states and local administrations, where tensions with the federal government are already high.

In addition, the security environment continues to be ravaged by clan disputes and conflicting interests, related to financial gains. These differences exist within various institutions, including the national army, the police, security agencies and intelligence services, as well as various guard forces and militias. In recent years, these institutions have experienced many leadership changes, none of them contributing to a calm and stable process of professionalization and institutional growth. In fact, some of these leadership nominations were made by the FGS unilaterally, without considering clan balance, thereby sparking political crises (Atta-Asamoah & Segui, 2014, pp. 3–4).

International actors, particularly the US and some European countries, have invested a great deal in order to establish Somalia's security institutions, providing training and sometimes operational support (often unofficially through intelligence collaboration and special operations) (Mulrine, 2014). Although external support has proven successful in some areas, particularly in mounting a campaign against piracy, and to some extent in targeting Al-Shabab leaders, the international community remains frustrated with the Somali security establishment. Ongoing political disputes surrounding the security environment as well as continuing corruption among high officials have led to a decrease of trust in members of the security institutions.

An important change in security area will be to find solutions to Al-Shabab's partisan-style offensives and terror attacks. The group is officially aligned with

¹ The African Union Mission in Somalia (AMISOM) is a regional peacekeeping mission operated by the African Union with the mandate of the UN Security Council. It was created by the African Union's Peace and Security Council in January 2007. Current troops are at 21 000 soldiers from Uganda, Ethiopia, Kenya, Burundi, Nigeria, Sierra Leone and Djibouti.

Al-Qaida and has built on their strategy of attacking local and foreign targets in Somalia, particularly AMISOM, the Somali Federal Government, and international organizations and foreign representations. They have also turned to attacks outside Somalia, most notably the 2010 Kampala bombing, the 2013 Westgate Shopping Mall attack in Nairobi and attacks on the Kenyan coast. These attacks are designed to prove the group to be a viable fighting organization, and to ensure a steady flow of support, but also to prove incompetence of the Somali security apparatus as well as to deter the international presence, so strongly needed in Somalia in the first years of the transitional phase. The approach has been successful as the security in Mogadishu is at a constant low; Villa Somalia and the Parliament have been penetrated despite AMISOM protection, and UN and other international representations have been targeted successfully, thus limiting their support in rebuilding key Somali institutions.

The security apparatus is further plagued by controversies backed by troubling reports from the Sanctions Monitoring Group as Somalia remains under the UN arms embargo.³ Once UN sanctions are put in place, they are very difficult to remove, and finally after a long diplomatic battle and a litany of requests from the new government in Mogadishu, the embargo was eased to allow light weapons and logistics equipment to enter Somalia. The findings of the Sanctions Monitoring Group showed that part of the shipped weapons went missing after being handed to the Somali National Army (SNA). It is suspected that some weapons have reached Al-Shabab. Rebuilding trust and preventing these breaches remains a challenge.

In order to succeed, the security strategy within Somalia must be aligned with a strong push for political agreements in territories where new governments can be established following the military offensive. Hence the recent drive to prioritize what is described as stabilization policy in reestablishing security and territorial control. While there is general agreement within FGS and the international community to pursue this path, major disagreements surrounding

² Villa Somalia is a highly guarded complex in Mogadishu holding the President's, Prime Minister's and Speaker of Parliament's quarters and offices.

³ The Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia was first created on 24 April 1992 to oversee the general and complete arms embargo imposed by Security Council resolution 733 (1992) and to undertake the tasks set out by the Security Council in paragraph 11 of resolution 751 (1992) and, subsequently, in paragraph 4 of resolution 1356 (2001) and paragraph 11 of resolution 1844 (2008).

the details together with logistical and financial difficulties hinder a permanent security presence.

A recent Crisis Group report provides a good summary of an approach to a successful stabilization strategy. As outlined in the *National Stabilization Strategy* (NSS), it suggests implementing parallel national and local reconciliation processes at all levels of Somali society and moving to 'imitate Al-Shabab's frequently successful techniques of facilitating local clan dialogue and reconciliation'. It also suggests working on 'developing a new approach to establishing local and regional administrations that privileges neither FGS appointees nor clients of neighboring states', which remains one of the most important and difficult to achieve components of local stabilization. Finally it envisages 'making the local [Somali] political grievances that enable Al-Shabab to remain and rebuild in Somalia the paramount focus, not regional or wider international priorities' (International Crisis Group, 2014).

3. Opportunities for Youth, Livelihoods, and Finding Systems for "Bottom-up" Governance

For visible developmental change in Somalia to happen, the policymakers have to make it a priority to identify paths for economic opportunities, especially for the young population. Somalia has a very young population: over 70 percent of the Somalis are under 30 (UNDP Somalia, 2012, pp. 27–29). Any path to a better future must center on addressing their needs and responding to their aspirations, yet the attempts of the Somali political class to address the socio-economic needs of youth have not been convincing. Prospects for decent education, employment and development opportunities are very bleak and these issues seem to be secondary within the political discourse.

Despite a growing number of attempts by young and aspiring politicians to join the political sphere, the old guard still holds all the key positions of power. In addition, when ignored by local governing systems, young people without livelihoods and development opportunities are ripe for recruitment by extremists and local militia leaders. An important catalyst for change would be to increase political participation of youth, thereby creating a space from which a new group of leaders can emerge.

For the last decades, the Somali economy has struggled to survive, crippled most notably by ongoing violent conflicts. The economy's few successes, such as livestock production in the north and development of mobile banking (out of

necessity as no banks exist) and telecommunications systems, even an ability to cater to investments of companies like Coca-Cola, DHL and Dole, are all signs of the extreme resilience and business orientation of Somali people (Powell, Ford & Novrasteh, 2008, p. 659). They have been repeatedly tested and forced to find ways to cope and thrive despite droughts, floods, and rotating corrupt authorities. However, if the Somalis are to believe in the current political transition, they must see change in some form of job creation, basic livelihood improvement, and the production and trade of goods. This approach can be described as seeing "peace and stability dividends". In particular, if careful attention is paid to farming and the livestock export business, these areas can experience quick, bolstering successes (J. L., 2012). While there are attempts in the current transition to establish central institutions allowing for macro-economic changes, it will be challenged when establishing state's economic prerogatives. It is really the local level which can be the driver of economic development, and it needs the "bottom-up" governance structures – the case of Somaliland can well prove that this is possible (Balthasar, 2014, p. 9).

Successful operationalization of local governments will be the key for Somalia's progress and a level of service delivery and relief to stranded populations. In this political sphere traditional mechanisms such as councils of elders (Gurti) can have important roles. Also civil society organizations such as women's associations, youth groups, religious organizations, and other locally based groups should be engaged to fill gaps while institutions are established. They can be valuable (partially because these groups already have the community's trust) in defining community priorities, resolving disputes, and making resource allocation decisions. Building a successful local government will also mean relaying upon a traditional Somali system of governance called *Xeer*, which consists of contractual agreements and customary laws that define the rights and responsibilities of an individual in relationship to his or her family, neighborhood and clan (Gabho, n. d.). Balancing traditional rules and customs with new government initiatives through community institutions can lead to improved service delivery at the most basic level. And it will be crucial for delivering some visible change to the life of people on the ground.

If the local government is to develop and the local economy is to grow, a degree of provision of justice and arbitration must come. This is challenging for a number of reasons. To begin with, establishing the justice system through the standard separation of powers is complicated in the Somali context due to the combination of a secular law-based system, Sharia law, and the traditional *Xeer* system. The traditional method of resolving disputes with the help of clan elders

is a system to which Somalis have long been accustomed. Combining this system with modern elements to allow better dispute management, increasing trust in judicial system and the application of a written law remains the challenge. It is a process which will take time and a lot of compromises. Still, as populations (and businesses) gradually increase trust for hybrid mechanisms for delivery of justice and arbitration, allowing a gradual decrease of widespread injustice, corruption and impunity, progress for indigenous state-building can come.

In addition, questions about post-conflict reconciliation and war grievances still hinder society, and need to be taken into consideration in the formation of local and regional policies. While justice and reconciliation processes are very important in transition from civil war, they cannot be seen in Somalia through Western models and understanding of peace and justice. Even though a Truth and Reconciliation Commission, is envisioned in the 2012 Provisional Constitution, the process of establishing it has not even started, and it is generally seen as a Western addition. To quote a prominent Somali politician, elder and scholar: 'Somalia needs not truth and reconciliation, but forgiveness and conciliation and this will appear closer to traditions of the society'. In the Somali context this approach is very linked to the re-establishment of local government, which is a compromise among groups who have fought sometimes for decades. The way societies govern themselves on the local level also needs to identify spaces for thousands of citizens (many very young) who know only fighting as a way of making a living, and need a new place in life. Traditional consensus building and cross clan elder support can help achieve these steps. These mechanisms should be preserved and woven into permanent structures of governance, allowing quickest integration of societies.

4. Identifying Role of Islam in State-building and new Political Identities

Islam as a base for policy and political identity is a relatively new phenomenon in Somalia. The religious identity has a variety of dimensions that have evolved during the recent era of state collapse and that now have a profound effect on the current political process. As such, the need to explore these dimensions, (taking them into consideration for policy and polity in Somalia) is crucial for governance during the transition period and for peace-building in the country.

 $^{^4\,}$ A quote from an interview with a senior Somali politician and academic. (Buzanski, 2015)

To begin with, the emergence and downfall of the Islamic Courts Union (ICU) has played a large role in shaping the current political scene in Somalia. While the ICU's origins and paths can form a separate study, it is clear that the political entity was formed as a direct response to a few considerations: 1) Somalis could identify with their commitment to Islam, which during decades of dire living conditions becomes a source of hope and strength, 2) the ICU's approach to government was closest to what the Somalis knew as traditional justice system run by elders and local religious leaders, and 3) Somalia's business communities saw an opportunity to bring a level of stability for commerce to resume, and backed the groups.

The ICU's position has been bolstered because of bringing an unseen degree of stability across South-Central Somalia, primarily in Mogadishu. Yet a combination of their unwillingness to share newly acquired power, along with belligerent statements towards Ethiopia and Kenya, and gaining a brand of Islamist extremists, caused these more moderate Islamist groups to lose ground. This came at the height of the "war on terror" and fearing growing extremism in the Horn of Africa, the US sponsored an Ethiopian invasion to battle the forces of ICU (Bruton, 2010, p. 7). While the mainstream ICU was militarily weak, most of the defense came from their loosely aligned but well organized youth militia, Al-Shabab. These events split the ICU into several factions. Some joined the very forces they had fought-TFG-while other leaders split off to cling to regional power. Yet a longer-term result of these events was solidifying an entry of Sharia-based, religious influence into mainstream Somali politics, where it continues to thrive.

Meanwhile, as a result of the Ethiopian intervention, Al-Shabab gained an independent identity, developing a popular reputation for defying foreign invasion (backed by the US) (Samatar, 2014). The group emerged from the conflict as the dominating force, taking control of significant territories of Somalia, including Mogadishu, in 2009. Despite their brutal conduct in enforcing an extreme interpretation of Sharia law, the population initially welcomed the organization for bringing a sense of order and stability. The group has also been successful in raising resources, despite their more recent loss of control over the ports. Al-Shabab is particularly effective at playing out the political aspirations of smaller and less privileged groups by forming alliances for territorial control and taking advantage of various sorts of taxation.

Throughout the last few years, Al-Shabab remained strong, attracting many recruits who enlist for financial gain (many youth with no life alternatives), and more ideological jihadists who arrived from abroad to join their ranks

(Committee on Foreign Affairs, 2013, p. 16). Yet its ideology and politics do not have true support across Somalia. Civilians have become weary of the brutality and Al-Shabab's ultimate failure to govern, to make positive impacts on service delivery, and to develop livelihoods have caused their popular support to fade away. Unfortunately, moderate leadership among the clans did not take advantage of these circumstances, failing to forge stable and lasting governing structures where Al-Shabab had lost support. Currently, extremists continue to be a major political force that can attract support in Somalia. This fact cannot be ignored in exploring political solutions to the conflict, especially in view of development of political parties and groups in the future, which can accommodate some of the conservative Islamist politicians into the political mainstream.

Furthermore, the Somali business elite has accepted political Islam into the mainstream. The ICU's success was possible due to the broad support of the business community, which appreciated the organization's ability to create more secure systems for trade and business exchanges without the regulations of a modern state. The ICU also provided a gateway to territories previously inaccessible to trade (Ahmad, 2012). In an environment where state institutions are very weak or non-existent, supporting the ICU seemed like the right choice.

An additional element in the development of political Islam in Somalia is the role and influence of groups emerging from the Muslim Brotherhood. President Hassan Sheikh Mohamud and his closest allies come from *Damul Jadiid* (New Blood), a faction of *Al-Islaah*, which is the Muslim Brotherhood's Somali wing. The group's activities focus on promoting moderate Islamism, and have led one of the few successful drives for education and civil society activity. These initiatives have created leaders and given Damul Jadiid a degree of credibility. In general, pervasive *Ikhwan*⁵ influence among the political echelons only underscores Islam as a political movement that is now part of the peace-building and state-building process in Somalia.

The lose alignment with the Muslim Brotherhood has had implications on Somali politics in the brother region (analyzed in the next chapter). Somalia has also oriented its allegiances towards the Middle East and away from the IGAD⁶ and the AU, complicating Somalia's relationships with Ethiopia and Kenya

⁵ Ikwan an Arabic name for Muslim Brotherhood

⁶ IGAD – Intergovernmental Authority on Development, a regional organization in Central and Eastern Africa comprising Sudan, South Sudan, Ethiopia, Kenya, Uganda and Djibouti.

(Hogendoorn, 2013). It continues to build stronger relations with the moderate Islamist government of Turkey, and to receive resources from Qatar. It is also important to note that while 2012 brought fresh hope for a state-building process, a drive for secularization did not come with it. On the contrary, many of Somalia's leaders favor political Islam, indicating that it will be the dominant ideology for the foreseeable future (Abdullahi, 2012).

5. Relations with Neighboring States and the International Community: Between a Rock and a Hard Place

The engagement of external forces in Somalia has been significant over the last two decades. On a number of occasions, outpours of humanitarian support have helped save many Somali lives. Too much interference in the political process and numerous international mistakes in developmental and humanitarian attempts have also fueled clan conflict. This included shortsighted policies such as backing different warlords in the 1990s and enabling the 2006 Ethiopian military intervention, which threw Somalia into the hands of extremists (Bruton, 2010, pp. 8–9). Following its failure, the international mood towards the country was grim and Somalia has been deemed a hopeless case. However, international optimism has been returning following the adoption of the Provisional Constitution and the election of a new government in 2012.

The new federal government has won a high level of confidence. Many conferences and meetings (in London and Brussels among others) on supporting it have recently attracted leaders from around the world. As a result, Western governments (including the US) officially recognized the Somali government for the first time in two decades. These commitments to Somalia's transition process translated into an agreement called the New Deal Compact, adopted in September 2013 (*The Somali Compact*, 2013). The breakthrough document outlines a path for prioritization and coordination in state-building and achieving the peace-settlement, striking at the heart of the issues that could lead back to state failure. However, concerns remain; a year and a half has passed since the signing of the compact, but little progress has been made towards its implementation. More questions are raised about the degree to which the compact can actually address root causes of the conflict, and whether it is not a template that is international rather than Somali grown and owned. Once again, frustrations are building in the international community, mainly due to the Somalis' inability to agree and work together.

At the same time many questions exist regarding the honesty of the international community's promises and their ability to deliver on them. Essentially, "containment" remains the default policy line for Somalia-in other words, global actors are only interested in balancing and containing crises'. Regarding the future of Somalia and potential international involvement, global interests point to a long-term policy of containment and troubleshooting, instead of a policy of investing resources that truly focus on growth, development, and giving Somalis a chance to achieve this. Without a more visionary global approach and a major shift in the Somalis' ability to reach political consensus themselves, it is highly unlikely that we will see change in the coming years.

Geopolitics have been both a blessing and a curse for Somalia. The country has the longest coast in Africa with direct access to the world's key shipping and trade routes through the Gulf of Aden. The territorial waters carry enormous fishing capacity and the potential for offshore oil and other resources. Access to the Indian Ocean, as well as potential trade routes to the modernizing and growing populations of central and eastern Africa, all create prospects for economic development. All of this could one day benefit a strong country on the path to development.

At the same time, all these factors are considered potential threats by Somalia's neighbors, particularly Kenya and Ethiopia. These countries have deeply rooted interests in the shaping of the Somali state and the direction of its political process. As a result these foreign governments constantly exercise their power to hold back potential growth of influence and strength by Somalia. This is also strongly linked to the historical background of the Ogaden Wars. Large Somali populations and swathes of ethnic Somali territories in Ethiopia and Kenya are constant sources of concern (see the map of clan presence). At the same time Ethiopia and Kenya in particular face major policy challenges with their Somali population, and increasingly identify it as a security threat, realizing that without a viable Somali state they will not be able to contain the situation. These leave Somalia neighboring countries in the flux of a policy paradox. The way they approach it will impact strongly on the path of Somalia.

Quotes from author's interviews in Nairobi and Mogadishu

⁸ See historical background

6. Clan Politics, Identity and Political Leadership in Somalia: Losing the Balance

The Somalis are people who link traditional African, nomadic, pastoral, and Islamic cultures. Despite decades of dire conditions, they remain good-humored, proud, and resilient. The Somalia case is unique among other conflicts in Africa and around the world because it is neither an ethnic nor a religious struggle. It is not underpinned by ideology. The issue of identity, while being a central cause, is manipulated for influence and power by leaders across clan and from all political sides. It also seems that despite official condemnations of this abuse from the leadership, they themselves have accepted the manipulation of this delicate matter for everyday political purposes.

During the past decade, there have been several ongoing peace processes, nearly all organized with international engagement, with long conferences and many meetings. Participants have included various politicians, clan leaders, elders, warlords, and their representatives. Most of them have either failed or concluded with short-lasting agreements. Key observations coming out of these processes show they were focused more on promoting particular interests and sharing potential powers rather than addressing root causes and issues around which disputes emerged in the first place. Essentially, a lack of political will by all parties involved prevents the implementation of any agreements. Meanwhile, the international community continuously misinterprets the goals and interests of various Somali leaders.

Clan allegiance underlines both the social and political fabric of Somalia and arguably, remains a force that blocks change rather than allows peaceful development. In an environment with little or no opportunity, holding power is equated with personal gain, and perceived as such across the political leadership (Byrne, 2013; Hanson & Kapla, 2008; Menhaus, 2010). The main method of conflict management between the Somali clans is called the 4.5 formula. The 4 in 4.5 refers to the four major Somali clans (Rahanweyn, Dir, Hawiye and Darood) and the additional.5 allocates space for minorities. This breakdown remains the defining mechanism for power sharing among Somali clans and is the allocation method for positions in government and political institutions. Seats in legislature are assigned based on this formula while it also serves as the unwritten rule used to balance civil servants compositions across ministries.

Ever since its adoption towards the end of the 1990s, the formula has remained central to political governance in Somalia. Supporters point out that while formula 4.5 may be imperfect, it has allowed a broad consensus among

clans, paving the way for many deals and preventing major clan warfare as seen in the 1990s. Yet the concept has raised major controversies; it has been labeled as contrary to the principles of democracy and an obstacle to free, fair and transparent elections. Many politicians, community leaders, intellectuals and academics have also called it ineffective due to its inability to prevent reoccurring eruptions of clan disputes turning violent. The governments formed after the adoption of the 2012 Provisional Constitution (and the current Federal Parliament) were all formed based on this formula, despite publically promoting a vision of Somali politics that is based on policy and merit rather than clan allegiance. The realities on the ground show that this vision is still a distant prospect (UDNP Somalia, 2012).

Without doubt, in Somalia a person's primary political affiliation is to one's clan. These affiliations are influenced by changing circumstances and follow complex patterns of sub-clan and sub-sub clan relations. Patronage, distribution of gains and resources, as well as security are all based on clan affiliation. Even within this composition, a lot of the fiercest fighting in Somalia has occurred between sub-clans. In absence of central authorities, sub-clan leaders turned warlords have formed militias, which are often utilized for the advancement of personal interests. These powerful leaders have blurred the line between clan interest and self-gain, and have made populations dependent on them. As one scholar stated.

First, warlords must extract resources from their domestic populations in order to consolidate their hold over their territory and defend their turf against incursions from neighboring groups. Second, warlords extract resources from their domestic populations in exchange for security from violence, often from violence perpetrated by the warlord himself (...) In a failed state, this taxation-protection relationship restrains the violence of warlords and creates pockets of political order (Ahmad, 2012, pp. 313–331).

The political responsibility for leaders in Somalia remains a balancing act between identity and allegiance to clan, armed group and strongman, external influences as well as ability to put one's interest aside. This balancing act is ultimately defining one's leadership – one of key areas of struggle in today's Somalia. With no mistake Somali elites are very resourceful and extremely skilled politicians. They are masters at maneuvering – as if they all hold PhDs on Machiavelli – but the players exert a stunning tendency to outmaneuver themselves. This results in constant manipulation and a lack of necessary agreements in the early stages of reconstructing the Somali state. In essence, one can observe that the winners will lose anyhow in the longer-term.

7. Searching for the Way to 2016 and beyond: The Future of Political Governance

Political progress, particularly in defining the governing structures of the country, is the key element needed for Somalia to escape the vicious circle of state failure. While important, the progress that has been achieved to date is far from what is needed and falls far short of the expectations of the Somali people. In the coming years, the political process in Somalia is expected to result in the adoption of a federal constitution through popular vote. In effect, this would be like adopting a peace agreement that could end decades of turmoil. The new process needs to include agreements on power sharing structures between state and federal authority. Decisions on the allocation of natural resources, resolutions to questions regarding federal and state tax income will need to be reached, as well as an outline of an electoral system that will establish future political authority.

Somalia is in a very particular position – working to review a constitution while simultaneously beginning to implement it. The Provisional Constitution mandates that institutions reach agreements on some of the most contentious issues facing Somalis, but provides only general guidance on how to achieve this. This has proven to be a major obstacle, with ongoing disputes among key political actors. They primarily refer to division of prerogatives, and general control of the process among the President, the Prime Minister, the Parliamentary Committee and Independent Commission (all of which have mandates to review the constitution) and the newly established Ministry for Constitution. All these bodies should be working to streamline inputs from the numerous debates and discussions surrounding the constitution review.

More importantly, the constitutional review should arise from participatory political agreements and be at the center of an honest national dialogue that can lead to a strong mandate. Achieving a broad and fair representation in the process is a major challenge. It still remains unclear which groups will be granted representation: political entities such as existing member states, interest groups, business groups, unions, religious organizations, youth movements and others. It will be even more difficult to identify them in the context of extremely tight timelines. Yet proper representation and inclusion need to be achieved to deliver a degree of legitimacy, without which this process cannot succeed ('Updates', 2013, pp. 12–13). As it has been observed in a review of peace processes in Somalia 'Representation is a fundamental conundrum that requires concerted and exhaustive attention at the outset and may require adjustment as political-security dynamics evolve' (Interpeace, 2009, p. 67). Given all these

considerations, the timing of the process is questionable, including prioritized revision of the constitution. While it should remain one, it needs to be an effect of a peace process, adjusting to realities of gradual agreements and settlements, rather than another hastily imposed document.

Federalism as the Future of Somalia?

Among the Somali political class, the concept of a federal Somalia has been discussed extensively over the years and remains the preferred solution for shaping the future state. Most players agree that this power-sharing model can best accommodate all the diverse regional and clan interests. However, federalism itself is a bit of a puzzle to many Somalis – it raises as many negative feelings as positive ones. Many argue that federalism is a foreign concept, unknown to Somalia, and that a federal Somalia would be much weaker than a Unitarian one. These critics argue that the federal states will be at the mercy of more powerful regional actors and their proxy militias, allowing external influences on Somali affairs to persist, and can be a breeding ground for more internal infighting ('Somalia's Transition', 2012, p. 3).

According to the Provisional Constitution, a crucial step to finalize the transition is the creation of federal states. The first priority of the Mogadishu government is to form federal units, to represent various interests throughout the constitution making process – up to elections, all to happen by 2016. While there is still no clear policy on the formation of these states, several processes have been ongoing (in the Jubas, in Bay-Bakool and Galmudug among others), with varying success. They have been marred with instances of violence, and led to several political crises. Within these circumstances, debates continue around the extent to which the creation of the federal member states should come from a bottom-up process – driven by local communities, clan elders, and local authorities – or a top-down process delivered by the federal government. In reality, a balance between these two approaches would seem most reasonable for consensus building and creation of durable and representative structures.

Timing is also a factor. Federations are not born in days, but develop through decades. Yet Somalia cannot afford to wait, since a federal structure providing fair representation is essential to the shaping of the Federal Constitution. Currently, there is only one functioning state: Puntland (without discussing the case of Somaliland⁹). While the envisioned parliamentary process for approving

⁹ Somaliland is by far the most stable and developed area of Somalia, claiming independence from the rest of the country. However, it is not recognized as such by the international community and the Federal Government in Mogadishu.

states has not yet played out to recognize Puntland, it is clear that this is the only *de facto* existing one. Puntland itself is an advocate for federalism, and is in the position of being able to influence the process of establishing other states. In addition, Puntland is playing a key role in reaching agreements on future elections and the political process for reviewing the Provisional Constitution.

The 2012 Provisional Constitution clearly says that federal member states are created from a minimum of two regions, but apart from these general instructions, an outline for the process does not exist. The federal government has continuously failed to reach a concrete and broadly accepted policy on federal state formation. In its absence, the notion of federalism has become a tool for the political elite to use to their own advantage – the shaping of the states is influenced by violence and regional deal making, including using these states as proxies for neighboring countries. To put it simply, the state formation process lacks a unified effort that rallies a majority of Somalia's political actors. At least one state will need to be established, if progress is to be made for the process outlined in the 2012 Provisional Constitution.

Elections in Somalia

Elections, the final stage of the transition, are currently envisioned for 2016. According to the Provisional Constitution, several laws need to be passed and adopted for the elections to happen, starting with a law establishing the National Independent Electoral Commission. While elections are a key step to publicly legitimizing the political system and there is a general political agreement that they need to happen, important questions remain whether the current environment in Somalia is right for holding them.

These questions persist due to several major challenges. First, the vision of exerting actual control over the country and enabling safe and secure voting remains farfetched. Reaching voters involves enormous logistical and financial challenges and would require the allocation of many resources. Secondly, the establishment of the electoral system, the electoral commission, viable political parties governed by laws, is a distat perspective, and all these institutions and laws need to be in place before elections can take place as stipulated in the Constitution. The challenge of choosing commissioners that are independent and trustworthy is already hindering the process early on. Finally, the lack of organized federal structures prevents the process from being agreed upon by all potential representatives.

The Federal Government and the International Community officially maintain that elections will take place across all of Somalia by the end of 2016. Unofficially, alternative solutions are being discussed at length. Given so many

challenges that are marred in political dispute, potential alternatives to an electoral system have been suggested, including hybrid systems including selection, or different voting in different territories. The results of these discussions remain to be seen, but ultimately true progress in changing the politics of Somalia will require a legitimate and participatory process for establishing political authority(Skeppstrom & Nordlung, 2014, pp. 29–30). Delaying a vote for too long, bears as many, if not more risks than holding it imperfect.

Key Observations and Conclusions

It is difficult to predict what the future holds for Somalia. Several seasoned observers of Somali realities have compared the country's path in recent years to a sinusoid with points of recurring crises that verge on civil war and moments of consensus and political agreement regarding the path forward. ¹⁰ It seems that the notion of "hope for the best, plan for the worst" remains the key policy approach in Somalia. Continued intractable conflicts, a state of fatigue and disbelief in change among the population and crises that is part of everyday reality block the way out of state failure.

This paper has summarized the areas crucial to understand in order to begin unraveling the reasons for continuous Somali state failure. Achieving change and progress in these areas has to be the priority. While the adoption of the Provisional Constitution in 2012 and the signing of the New Deal Compact in 2013 have been steps in the right direction, the progress needed is still enormous, and arguably Somalia continues to be an unreliable state on the brink of collapse. The areas reviewed form the essential state functions: citizen security, territorial control and border control, basic support of economic livelihood, and fulfillment of the needs and aspirations of the young generation. And possibly most important, at the heart of the social contract lies the need to establish political authority, which is directly linked to the Somali people's ongoing struggle for stable politics and political identities.

Undoubtedly, progress in these areas is critical. If gradual peaceful developments are to occur, key change factors are needed for policy and political processes. These are changes that will ensure checks and balances, and will mitigate the risks of reverting to a collapsed state, bringing a dose of energy and political will to move Somalia out of perpetual crises.

¹⁰ Source: author's interviews in Mogadishu and Nairobi.

"Critical Mass for Political Consensus towards the Peace Process"

Given the web of interlinked territorial, business and economic leaders' interests, as well as those of warlords, Islamists and other groups, it remains extremely difficult to gather sufficient political backing for a common agenda. It is impossible to meet all individual and group demands, keep all sides satisfied and prevent different interests from colliding. The existing power divisions also make clear that it is highly unlikely that one group can emerge with enough influence to dominate the others and take the political helm.

In these conditions, a sustained attempt to create a critical mass of political will, converging around an interest in policy issues, is required. There must be a strong consensus to advance the processes agreed upon in the Provisional Constitution, to find agreements with enough support and to push through the stages of implementation. Importantly, this "critical mass for progress" has to be sustained in time, to withhold all potential crises and attempts at hindering the process.

This means finding commonalities among the interests of various parties and agreeing to make compromises. It could involve much stronger international pressure. It could take much larger efforts at mounting media campaigns and gaining popular support, and building coalitions and agreements to ostracize those obstructing change, so they become isolated. As momentum for changes occurs, all involved players must redouble their efforts to make deals in a comprehensive and inclusive manner that will eventually lead to strong backing for a peace settlement with agreements on power-sharing and state structure.

Rethinking Clan Politics and Strengthening Somali Identity

Undoubtedly, clan identity and boundaries of territorial influence are defining factors of Somali politics. This paper has explored the issue and linked it to other key areas of influence that shape policy and political behavior, but as enshrined as the clan system is in Somali history and culture, it most likely remains the largest obstacle to escaping the current cycle of state failure. Breaking through clan barriers will be one of key successes to build up the "critical mass" of political consensus. Thus, as we consider key change factors to pave the path for the next generation, a consensus to rethink the role of clan in social and political life will be required. Part and parcel, this means continuing to strengthen Somali national identity.

No doubt this vision is extremely difficult to translate into everyday actions, yet it can be commenced through gradual steps. In initial stages, this means

showing more consensus-building among leadership and working to align their interests in ways that can cross clan lines. It may mean opening up debates to achieve better balance between institutions of federal government and clan-based justice systems. It could be introducing much more debate and consultations on local and national priorities and policy solutions for them. Somalis and local and grass-root level would need to engage in more initiatives to build consensus, and see them becoming part of a larger Somali identity. Finally, encouraging national discourse that can create support for these policies across clan lines would be needed.

A Renewed Approach to International and Regional Interests

As previously discussed, Somalia strongly relies on external assistance for the execution of core state functions. It's clear that Horn of Africa regional politics and broader international considerations influence events on the ground, and will continue to do so for the foreseeable future. Given the significance and high stakes of international involvement in Somalia, one could argue that a renewed and recharged approach is needed. Signing the New Deal Compact by the FGS with donor governments was an important step that created a blueprint, but achieving its benchmarks and achieving conditions in which the promised resources can begin flowing into the country is nearly impossible, certainly in the timeframes proposed. In order to change that, much more political will would be required from external actors, to leverage more pressure for progress in the political process and to allow increase investments in security. This increase in engagement would help to secure a level of stability for policy changes to occur and will also open doors for the other investments promised to the federal government.

Simultaneously, a new political approach could emerge from donor countries. It should include a long-term political engagement strategy, grounded on a more immediate increased political and resource investment. While the strategy will not be borne from altruism, it should be viewed as a geopolitical investment into a strategically positioned country that can become a useful ally. This approach could benefit many states, whether within the European Union, the UK and the US bilaterally, or the Gulf States and Turkey. This would be a marked shift from the current policy of containment and troubleshooting and would be enormously beneficial to the growth and development of Somalia.

In addition, a renewed approach to political engagement is needed in the broader region of Eastern Africa, not just Somalia. The key power players within the country are still neighboring IGAD countries. Frequently their interests are

not best for Somalia itself. An international political approach must smartly take the interests of these countries into consideration. Some security and border guaranties could be made, in exchange for shift of policies allowing Somalia to stabilize and develop. In essence, this would be a political decision to shift from a policy of containment to a policy of opportunism and accelerated progression that can yield better results both for the country's development and for achieving true progress in the fight against extremism and terrorism. Combined, these results will only bring more balance to the entire region.

An Upsurge in Leadership: Finding Somalia's Mandela and Silent Heroes

In order to shed individual as well as group and clan corruption on all levels of political and society relations, the individual commitment to change must come first. Somalis deserve to have leaders who can rise above personal and temporary interests for the sake of directing the country on a path away from state failure and towards growth. Many countries that emerged from deadly conflict did so with the guidance of powerful central leaders. In Somalia, this is required two-fold.

First, leaders with enough charisma to grasp hearts and minds must convince people of the sacrifices and patience needed to create change. They must reach a hand through clan divisions firmly. Such leaders can garner a true following and help foster political agreements. Somalia has not seen yet leaders of such stature, but history shows it is transformational moments, like the one Somalia is experiencing, that create them. At the same time, a spirit of responsible leadership has to spread among the hundreds of individuals in positions of influence and authority. The everyday leaders, "silent heroes", who would shy away from personal gain first, who can promote the process of building institutions and managing conflicts and disputes peacefully, shine by example and groom the next generation of leaders from youth. It is time for Somali change champions to step forward.

The truth of the matter is that without a visionary political act and previously unheard of progress in achieving political consensus among Somalis themselves, it will be near impossible to break the pattern of recurring crises. To address the challenges defined throughout this paper, responsible leadership and political charisma has to emerge from among the Somali political class at all levels.

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