

Somalia: A Long Road Ahead

by Rossella Marangio

ABSTRACT

The security situation and the statebuilding process in Somalia have seen significant improvements in recent years. However, the path towards stabilisation and peace is still troubled in light of the delays in implementing many of the measures foreseen in the Somali Compact and the Federal Government's Six Pillar programme. Al-Shabaab still constitutes a major threat in Somalia and the region, the electoral process revealed key divisions between the federal institutions and the emerging regional states, and the federalisation process has required external mediation to form most ad interim administrations. Social reconciliation has been sidelined in favour of administration-building, thus preventing the strengthening of ties both within society and between the federal and regional levels.



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Introduction

The situation in Somalia has registered significant progress in the last few years. In 2012 and 2013 the peacebuilding and statebuilding processes marked important steps forward, with the end of the transitional period for federal institutions, the adoption of a provisional constitution, and the subscription to the principles of the New Deal for engagement in fragile states¹ through the adoption of the Somali Compact.² However, the current situation has not met the expectations and hope that accompanied and followed these important steps in the country. In fact, delays have quickly appeared concerning a number of crucial issues – such as boundaries between regions, the establishment of regional administrations and the revision of the provisional constitution – due to the difficulties in reaching an agreement between the stakeholders.

While 2016 represents a crucial year for Somalia, with elections scheduled for August 2016, several challenges remain to be tackled. First, the security situation has significantly improved, but Al-Shabaab still constitutes a significant threat for the country and for the region, especially due to the increasing number of significant attacks. Second, the announced elections have been recalled in favour of a process that is not based on the "one-person, one-vote" principle, but rather consists of

¹ The New Deal is an agreement between fragile and conflict-affected states, development partners, and civil society to improve international engagement in those states. It was signed at the 4th High Level Forum on Aid Effectiveness in Busan on 30 November 2011 and is mainly composed of five core Peacebuilding and Statebuilding Goals (PSGs): legitimate politics, justice, security, revenue and services and economic foundations. See OECD, *Busan Partnership for Effective Development Co-Operation*, Busan, 1 December 2011, http://www.oecd.org/development/effectiveness/busanpartnership.htm.

² The Somali Compact was adopted at the International Conference on Somalia in Brussels on 16 September 2013 and translates the principles of the New Deal into the Somali context. See Federal Republic of Somalia, *The Somali Compact*, Brussels, 16 September 2013, http://www.villasomalia.gov.so/?p=700. See also the EU website: http://www.somalia-newdeal-conference.eu.

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indirect elections mostly based on clan representation. Third, the federalisation process has progressed with the formation of a number of interim administrations, but it has not yet been completed and suffers from several deficiencies, especially as regards the division of competences between the federal institutions and the regional states.

Against this backdrop, this paper provides an overview of the situation in Somalia and main interventions to improve it, with particular reference to security, the electoral process and statebuilding. Careful analysis of the situation on the ground is badly needed in Somalia to account for the shortcomings of past actions and the challenges that the country and its international partners need to tackle moving forward.

1. Security: Improvements, challenges and perspectives

Overall, the security situation in the country has significantly improved compared with the deadliest years of the civil war. However, the security conditions in wide parts of the territory still do not allow the effective implementation of a number of other actions such as development programmes, economic activities and infrastructure-building.

The most striking security threat in the country is posed by jihadism. The Al-Qaedaaffiliated group Al-Shabaab has recently multiplied its attacks, in particular against international actors - and the African Union mission AMISOM in particular - but also against targets that are perceived as symbols of an internationally-driven reconstruction of the country, such as restaurants in Mogadishu and Baidoa in January and February 2016. Al-Shabaab's escalation of violence aims to jeopardise the statebuilding process in the country, and in particular the electoral process, as they are perceived together with the Federal Government as led and sustained by international actors, and more precisely Western countries. Furthermore, the countries that have contributed troops to AMISOM⁴ – the main actor fighting Al-Shabaab – are mainly neighbouring states that are perceived as antagonists both to Somali nationalism, for historical reasons, and to Islam, as they are mostly Christian. Therefore, AMISOM represents not only a military enemy to Al-Shabaab, but also an ideological one. That is also the reason why Al-Shabaab constitutes a threat not only in Somalia but also in neighbouring countries, as previous attacks in Kenya and Uganda demonstrate.5

³ "Al-Shabab storms beachside restaurant in Somali capital", in *Al Jazeera*, 22 January 2016, http://aje.io/7tmh; "Al-Shabab attack: 30 civilians killed in south Somalia", in *Al Jazeera*, 29 February 2016, http://aje.io/2asr.

⁴ Currently, the troop-contributing countries in AMISOM are Burundi, Djiboutu, Ethiopia, Kenya and Uganda, while the police-contributing countries are Ghana, Kenya, Nigeria, Sierra Leone and Uganda. For more information, see the AMISOM website: http://amisom-au.org.

⁵ In particular, the attacks to a mall in Nairobi in September 2013 and to the Garissa University in April 2015 and in Kampala in July 2010. See, respectively: Daniel Howden, "Terror in Nairobi: the

Allegations of the presence of Daesh-affiliated groups in Northern Somalia have not been confirmed so far, thus making it impossible to determine whether two opposing Salafist groups are present in the country. However, Al-Shabaab is not a homogeneous group itself as its origins are deeply rooted in the Somali context, and it is therefore subject to the same rivalries and clan logics as Somali society more broadly.⁶

The strategy in the fight against Al-Shabaab has been mostly military, with AMISOM playing a major role. However, offering alternatives for Somalis and deterring them from the temptation of violent struggle remains greatly important in combating violent extremism. Therefore, developing concrete economic opportunities and granting access to basic services for the population is of the outmost importance for the entire country and for recently liberated areas in particular, in order to provide tangible signs of peace dividends. Unfortunately, the record so far has been mixed due to the inefficiency of AMISOM, especially as regards coordination among its different components, as well as lack of coordination between AMISOM and the civilian actors that should step in as soon as possible to capitalise on military gains. These include not only humanitarian workers, but also development cooperation actors and the Somali political authorities.

Al-Shabaab is not the only security threat present in the country. Violence continues in some areas at a local level, mostly in connection with the exploitation of local resources, clan rivalries or boundary issues, such as with the clashes between Puntland and Galmudug forces near Gaalkacyo on 22 November 2015.7 In fact, the country still lacks reconciliation, which ultimately constitutes a core issue in all peacebuilding strategies. In spite of reiterated commitments made by the federal institutions in the Somali Compact, the Six Pillar programme⁸ and Vision 2016, the only significant actions in terms of reconciliation have been conducted with ex-combatants – including both militias and Al-Shabaab combatants – through disarmament, demobilisation and reintegration (DDR) schemes. However, these

full story behind al-Shabaab's mall attack", in *The Guardian*, 4 October 2013, http://gu.com/p/3ja6y/stw; "Kenya attack: 147 dead in Garissa University assault", in *BBC News*, 3 April 2015, http://www.bbc.com/news/world-africa-32169080; Xan Rice, "Uganda bomb blasts kill at least 74", in *The Guardian*, 12 July 2010, http://gu.com/p/2tb8d/stw.

⁶ UN Security Council, Report of the Secretary-General on Somalia (S/2016/27), 8 January 2016, p. 4, http://undocs.org/S/2016/27.

⁷ Ibid., p. 2.

⁸ A sort of manifesto of the Somali Federal Government, based on six pillars. See Federal Republic of Somalia, *Foundations of New Beginning: The Six Pillar Policy*, Mogadishu, September 2012, http://www.villasomalia.gov.so/?p=690.

⁹ An action framework launched by the Somali Federal Government in 2013 to foster national dialogue on statebuilding and democratisation processes in Somalia. See Federal Republic of Somalia, *Vision 2016: Principles and Recommendations*, Mogadishu, 6 September 2013, http://www.villasomalia.gov.so/?p=812.

¹⁰ UN Security Council, Report of the Secretary-General on Somalia, cit., p. 7. See also the 2015 reports: UN Security Council, Report of the Secretary-General on Somalia (S/2015/331), 12 May 2015, p. 8, http://undocs.org/S/2015/331; UN Security Council, Report of the Secretary-General on

actions have not addressed Somali society more broadly, thus leaving the door open to grievances and mistrust among clans.

The Six Pillar programme includes as priorities the build-up of Somali security forces – both army and police – and a justice system that would have a strong impact on the security situation in the country. However, many shortcomings plague these processes and must be addressed: first, cohesion of the army and police should be enhanced by strengthening loyalty to the statebuilding process as opposed to divisions across clan structures; second, adequate wages to troops and police should be guaranteed and sustainable, which is in turn linked with state revenues and financial management; 11 third, traditional systems of justice should be combined with the set-up of a central justice architecture to allow for trustbuilding in the emerging institutions. These are crucial challenges in the Somali statebuilding process that cannot be underestimated and that can only be tackled in synergy with a reinforced peacebuilding process. Unfortunately, the peacebuilding process has been rather sidelined vis-à-vis the statebuilding one, with most domestic and international actions focusing on state institutions rather than on rebuilding and strengthening societal ties among groups. Yet peacebuilding remains crucial, especially in a country like Somalia where the rupture of links of trust was at the very origin of the conflict.

2. The electoral process: A troubled way to "interrupted" democracy

In 2013, the adoption of the Somali Compact put strong emphasis on elections to be held in 2016 as a sign of the country's transition towards stability and democracy. However, in 2015 "one-person, one-vote" elections were ultimately ruled out due to the lack of security, adequate infrastructures, and an agreed-upon electoral system and register of voters. Since then, the debate has revolved around the electoral criteria. Several consultations have involved federal institutions, regional administrations and international partners. Yet the process has not been without troubles, and its outcome remains uncertain. In December 2015, an agreement was found on seven principles that would have informed the electoral process, including no extension of current mandates, the formation of both Lower and Upper Houses, a balance between constituency and clan, reserved seats for women and enhanced representation of youth and marginalised groups, and the setting-up of a road map for the 2016 electoral process and for the subsequent period 2016-2020, when universal suffrage should be implemented. However, the consultations did not

Somalia (S/2015/702), 11 September 2015, p. 7-8, http://undocs.org/S/2015/702.

On payroll and financial support to the security sector, see the 2016 UN Security Council report, p. 6-7.

¹² The debate over the abandoning of "one-person, one-vote" elections started in July 2015, with the final ratification of the decisions a few months later along with the proposals for alternative methods for an electoral process. See for instance: "Somalia Ponders Alternatives to One Person-One Vote Elections in 2016", in *Somalia Newsroom*, 1 July 2015, http://wp.me/p2mzkG-1kX.

¹³ Somali National Consultative Forum, *Mogadishu Declaration*, 16 December 2015, available at:

produce consensus on the electoral model, mainly due to the conflicting views on the mix of clan- and constituency-based representation. In January 2016 the Somali Federal Government proposed a model for adoption. As regards the Lower House, 275 members of parliament should be selected by clan elders according to the 4.5 formula (proportional representation of the four main clans and a 0.5 representing minority clans), 30 percent of seats should be reserved for women, and voting and counting should take place in the capitals of emerging member states. The Upper House, on the other hand, should count 54 members, 48 of which are distributed equally among emerging member states and 6 divided between Somaliland and Puntland. The caucuses of regional assemblies should be responsible for elections, and 30 percent of seats should be reserved for women. 15

However, this model has exhibited at least three problematic aspects. First, it has been met by resistance from some regional administrations and in particular Puntland, which supported a more district-based electoral system and still expresses concerns over the Upper House selection model. Second, seats allocated for women are still subject to buy-in from clan elders, which are central to this election system, and not all of them share support for enhanced female participation. Third, no guarantee of enhanced representation of the youth and minority groups is formally set out.

As a result, the federally-sponsored model seems to be a compromise not only between competing views within Somalia, but also between internationally-promoted norms — especially as regards the need for measuring results and outcomes within the rule of "benchmarking" — and the local reality. In fact, international pressure on Somali institutions has grown exponentially in the past few years together with renewed international interest in the country, as shown by continuous calls for tangible results and international mediation between federal and regional institutions as well as in the creation of regional institutions themselves.

On 3 April 2016, the Federal Government and Puntland reached an agreement on the electoral process. The main points include the formation of inclusive electoral committees consisting of the Federal Government and the federal member states; the selection of an electoral college by traditional elders, who are in charge of forwarding the names of electoral college members to the electoral committees; the formation of the Upper House before the Lower House; and an important role for Puntland authorities in proposing and appointing candidates from Puntland to the Upper House.¹⁷ This deal opened the way for an agreement among the Federal

http://goobjoog.com/english/?p=23032.

¹⁴ Federal Republic of Somalia, Communique on the Electoral Model for 2016, Mogadishu, 27 January 2016, http://www.villasomalia.gov.so/?p=4069.

¹⁵ Ibid

¹⁶ See UNSOM, Puntlanders share their views on the electoral process with the international community, Garowe, 11 February 2016, https://unsom.unmissions.org/Default.aspx?tabid=6262&ctl=Details&mid=9770&ItemID=43520.

¹⁷ "2016: Agreement Between the Federal Government of Somalia and the Government of Puntland

Government and regional administrations, announced on 12 April, which includes an increased role for regional administrations in selecting the Upper House members, an expanded electorate divided according to electoral colleges with representatives from sub-clans, and the creation of a two-level structure – comprising a Federal Electoral Implementation Team (FEIT) and State-Level Electoral Implementation Teams (SEITs) in each of the existing and emerging member states – tasked with the implementation of the electoral process. However, given the difficulties in reaching an agreement, further disputes may still arise, especially in the creation of the two implementing bodies, and that is why an additional body tasked with dispute resolution has been foreseen.

3. Federalisation process: State formation without reconciliation

The federalisation process in Somalia has been quite troubled, especially in establishing many interim administrations in the southern part of the country due to territorial disputes, group rivalries and the difficulties of setting up the administrative bodies. Currently, the only formed states are Somaliland – which benefits from special arrangements under the Somali Compact, given their quest for independence – and Puntland, despite their territorial dispute over the common border. Moreover, four interim administrations have been set up, namely Jubaland, South West, Galmudug, and Hiraan and middle Shabelle, which are supposed to become permanent federated entities this spring ahead of the electoral process (in principle to be held in August 2016). The formation of these administrations has been quite lengthy in some cases – for instance in Jubaland – and they have required significant mediation efforts from the international community and the Intergovernmental Authority on Development (IGAD) in particular.²⁰

Notwithstanding significant progress in building regional administrations, important issues are still hampering the Somali statebuilding process. First, the definition of boundaries among the sub-national entities is far from complete. The constitution did task an independent body, the Boundaries and Federalism Commission, with studying and mediating boundary disputes in order to create delimited territorial federated entities, but it was only set up in mid-2015, with significant delay *vis-à-vis* the general timeline for statebuilding.²¹ Moreover, its

State of Somalia", in *Horseed Media*, 4 April 2016, https://horseedmedia.net/2016/04/04/agreement-between-the-federal-government-of-somalia-and-the-government-of-puntland-state-of-somalia; "Analysis: Puntland and the Somali Government Reach an Election Deal. What's Next?", in *Somalia Newsroom*, 7 April 2016, http://wp.me/p2mzkG-1yd.

¹⁸ Federal Republic of Somalia, *The National Leaders Forum Communiqué*, Mogadishu, 12 April 2016, http://www.villasomalia.gov.so/?p=4337.

¹⁹ Ibid

See for instance the recent agreement in Jubbaland: UNSOM, *International community hails breakthrough agreement in Jubbaland*, Mogadishu, 28 March 2016, https://unsom.unmissions.org/Default.aspx?tabid=6262&ctl=Details&mid=9770&ItemID=45827.

²¹ Federal Republic of Somalia, High-Level Partnership Forum Communiqué, Mogadishu, 30 July

work may run into several difficulties: even taking the pre-1991 administrative division as a guide, the configuration of the country has completely changed after more than two decades of war, which have produced big movements of population. In addition, before the civil war the Somali state was a unified country in which administrative divisions were not perceived as fixed and rigid (especially considering that Somalia was traditionally characterised by pastoralism), as is expected now with the establishment of federated entities. Second, no agreement has been found so far as regards the division of competences between the federal institutions and the federated ones, especially on financial management. This has also contributed to the significant delay in revising the Constitution, to the point that currently only some priority chapters out of a total of 15 are expected to be reviewed - most likely chapters 1 to 8, which outline the main set-up of the state, its legislative and executive institutions and right and duties of citizens.²² Third, the status of Mogadishu has not been decided yet, and it registers several conflicting claims from clans as regards its potential autonomous status or its connection with specific clans.²³ Fourth, the sustainability of the institutions that are being formed is absolutely crucial in paving the way for a successful statebuilding process. In the case of Somalia, revenues and financial management as well as reconciliation are essential elements of this process, which have been neglected in practice despite reiterated commitment in public documents. In particular, reconciliation has only been implemented at the political level among opposing groups rather than investing in the society at large. This has led to clashes among groups, which are likely to continue if the issue is not addressed broadly at the societal level. Furthermore, trust should be developed between the center and the periphery; without trust, a federal state would be unsustainable. Currently, skirmishes between the Federal Government and the federated entities are frequent and based on the perception that decisions are mostly taken in Mogadishu rather than through concertation, and that international support - especially aid - is unevenly distributed across the country in favour of the capital.

Conclusion

The overall situation in Somalia has registered significant progress compared to the past years, particularly in terms of security and the statebuilding process. Security has improved overall, although Al-Shabaab still constitutes a major threat for the country, especially as it multiplies its attacks as the electoral process approaches. Nevertheless, the military response has not proven to be effective because the real battle can only be won when there are concrete alternatives to armed struggle in the

^{2015,} http://www.villasomalia.gov.so/?p=3334.

²² Federal Republic of Somalia, *Ministerial High-Level Partnership Forum Communiqué*, Istanbul, 24 February 2016, http://www.villasomalia.gov.so/?p=4172; Federal Republic of Somalia, *Provisional Constitution*, Mogadishu, 1 August 2012, http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=.

²³ "Analysis: Puntland and the Somali Government Reach an Election Deal. What's Next?" cit.

form of economic development and job opportunities, and claims and grievances are addressed through peaceful means. Ultimately, reducing the appeal of armed struggle could be the most powerful weapon. The electoral process has been troubled due to significant conflicting views on its modalities, even though the Federal Government has proposed a model. The federalisation process has suffered from several shortcomings and has needed to resort to external mediation in most cases. Several issues remain unsolved, such as the division of competences between the federal institutions and the regional states and the management of resources and revenues. As 2016 constitutes a crucial year for the country, these issues need to be carefully considered and tackled. In this respect, reconciliation constitutes a key issue to be addressed at the societal level in order to rebuild ties across the society to the benefit of both the peacebuilding and the statebuilding processes. To date, this aspect has been sidelined in favour of administration-building, but without such an approach even those institutions will not be sustainable. Furthermore, trust and ties should be built between the federal institutions and the regional administrations if the sustainability of the federal state is to be ensured. Thus, dialogue and negotiations between the different components of the federal state need to be enhanced and continuously supported, both by domestic and international actors.

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