

CONFLICT RESOLUTION: THE SOMALIA MILITIA STATE

by

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DECLARATION

I declare that the thesis, which I hereby submit for the degree D Phil (political Science) at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

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.....2016.

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My personal interest in the field of conflict resolution can be attributed to my involvement in the liberation struggle for our country inspired by the desire to contribute to the creation of a peaceful and prosperous world, in which all people live peace and harmony irrespective of their race, colour, gender, religion and sexual orientation. Furthermore, my diplomatic career was pivotal in introducing me to the dynamics of conflict resolution within the continent of Africa, particularly in the Sudan, the Comoros and Somalia. The latter further created an interest for me embark on an academic study to primarily investigate causes of failure of the peace process in Somalia.

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MAP.



Figure: 01 Map of Ethiopia, Somalia and Kenya Source: Nationmaster.com

ACRONYMS

AMISOM	-	African Mission in Somalia
ARPCT	-	Alliance for the Restoration of Peace and Counter Terrorism
AU	-	African Union
BATNA	-	Best Alternative to a Negotiated Agreement
CAR	-	Central African Republic
CIA	-	Central Intelligence Agency
DRC	-	Democratic Republic of Congo
EU	-	European Union
FAO	-	Food and Agriculture Organisation
ICC	-	International Criminal Court
IGAD	-	Intergovernmental Authority on Development
IR	-	International Relations
ISIS	-	Islamic States of Iraq and Syria
JVA	-	Juba Valley Alliance
MEO	-	Mutually Enticing Opportunities
MHS	-	Mutually Hurting Stalemate
MOD	-	Marjeten Ogaden Dulbahunte
NFD	-	Northern Frontier District
NGO	-	Non-Governmental Organisation

NSA	-	National Security Agency
NSS	-	National Security Services
ORH	-	Operation Restore Hope
PPP	-	Public Private Partnership
PSC	-	Protracted Social Conflict
R2P	-	Responsibility to Protect
RVF	-	Rift Valley Fever
SAMO	-	Somali African Multi- Organisation
SCIC	-	Supreme Council for the Islamic Courts
SDA	-	Somali Democratic Alliance
SDM	-	Somali Democratic Movement
SIC	-	Sharia Implementation Council
SNA	-	Somali National Army
SNC	-	Somali National Congress
SNDU	-	Somali National Democratic Union
SNF	-	Somali National Front
SNL	-	Somali National League
SNM	-	Somali National Movement
SNU	-	The Somali National Union
SPM	-	The Somali People's Movement

SSRC	-	Somali Reconciliation and Restoration Council
SSDF	-	Somali Salvation Democratic Front
SSNM	-	Southern Somali National Movement
SSRP	-	Somali Socialist Revolutionary Party
SYL	-	Somali Youth League
TFG	-	Transitional Federal Government
TFI	-	Transitional Federal Institution
TFP	-	Transitional Federal Parliament
TNA	-	Transitional National Assembly
TNC	-	Transitional National Council
TNG	-	Transitional National Government
UDI	-	Unilateral Declaration of Independence
UIC	-	Union of Islamic Courts
UN	-	United Nations
UNHCR	-	United Nations High Commissioner for Refugees
UNISOM	-	United Nations in Somalia
UNITAF	-	United Nations International Task Force
UNSC	-	United Nations Security Council
US	-	United States
USA	-	United States of America

USC	-	Unite Somali Congress
USF	-	United Somali Front
USP	-	The United Somali Party
WSLF	-	Western Somali Liberation Front

Abstract

The Somali conflict combines some of the risk factors commonly associated with state failure, state collapse and state disintegration phenomenon. This study commences with an exploration of the failure of the peace process in Somalia by investigating the creation of the Somali state in 1960 using literature on state formation and functions, state failure and state disintegration. The main argument is that the Somali state was created on flawed colonial state model and its concomitant shortcomings. Although poor leadership was a factor that led to the weakening of the early Somali state formation, state structural weaknesses were the major factors which facilitated poor leadership that characterised post-independent Somalia, further compounded by the period of military rule under General Siad Barre. Furthermore, the post-Siad Barre conflict was fundamental in swinging the pendulum in favour of the disintegration of the Somali state.

The historical legacy of high social fragmentation in Somalia, reflected in the clan political divisions is a factor that is used by instrumentalists in the perpetuation of the conflict in that country. Similarly, clan political structures are used by civil militia groups, defined in this study as “third generation civil militia groups” who continue to plunder what remained of the Somali state. The “third generation civil militia groups” function outside the Westphalian state norms and regulations that are based on the social contract between the state and its citizens. The study then outlines an alternative approach to analysis of conflicts where the state has been decimated and civil militia groups have assumed power without the checks and balances that come with such responsibilities.

Failure of the peace process in Somalia is attributed to the absence of the basic principles of mediation and negotiations during the five main peace processes, and it is concluded that the application of coercive mediation has also contributed to the failure of international diplomacy in this regard. The failure of the peace

process has facilitated the transformation of Somalia into a militia state, balkanised along clan militia fiefdoms based on parochial clan political interests in which civil militia leaders are the main beneficiaries of the disintegrated Somali state. Therefore, new approaches to resolve the conflict where civil militia have established governance without government requires further research, as a similar phenomenon is gaining momentum in countries such as Iraq, Libya, South Sudan, Syria, Yemen and the Central African Republic. The study concludes that the current political developments in Somalia cannot be sustainable as long as they are introduced under conditions of coercive force by the international community and the African Union (AU) in particular. Under these circumstances, the conflict will continue to experience some episodic periods of abeyance, and only to resurface at a later stage with high levels of ferocity and intensity.

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Chapter one

Introduction

1.1 Identification of the research theme

Following the end of the Cold War, the 1990s were characterised by fundamental changes around the world, and also, specifically in Africa, sweeping political changes were introduced in South Africa, Nelson Mandela was freed from prison and a conflict resolution process was initiated that led to the end of Apartheid in 1994. In addition, the civil war in Mozambique was eventually resolved through a negotiated settlement and the negotiations for the independence of Namibia were initiated between Pretoria and South West African People's Organisation (SWAPO), the conflict was eventually settled through negotiations in 1990, while the negotiations to end the civil war in Angola were taking place between the government and Jonas Savimbi. Yet, in Somalia, a civil war fought along parochial clan patronage lines was gaining momentum following the fall of Siad Barre's government in January 1991 and triggered an unprecedented process of state failure, collapse and disintegration of the Somali state and the eventual emergence of a militia state. Fourteen peace processes have since failed to achieve sustainable peace and security in that country.

It is important to note that the Somali conflict has its roots in the Cold War rivalry among the superpowers, leading to the proliferation of arms, as a result, the country is awash with weapons of war from both sides in the Cold War. The end of the Cold War also brought about a paradigm shift in the study of conflict and conflict resolution. Haus (2010: 11) argues that since the end of the Cold War, the emphasis has been on civil and other primarily intrastate wars and interstate wars have become the exception rather than the rule, especially those between the major powers that have been at the heart of traditional the international relations (IR) theory and analysis. According to Haus (2010: 11) prior to the 1950s, the intrastate conflict analysis received

no attention in the conventional international relation (IR) theory, because these conflicts were seen as proxy battles of superpowers in the Cold War, rather than disputes to be analysed in their own right. However, since the end of the Cold War, conflict resolution in intrastate conflicts has become a key component of the conduct of diplomatic relations and within the IR scholarly community, conflict analysis has increasingly gained ground as an important element of mainstream IR theory concerns (see Heathershaw, 2008; Evans, 2008; Ramsbotham & Miall, 2011). This argument is clearly articulated by Jonsson and Aggestam (2009: 37) when they posit that coexistence and reciprocity are the pillars on which diplomacy rests. Thus, diplomacy is founded on the norms of interdependence and coexistence that facilitate conflict resolution, in contrast with the notion of exclusion or excommunication, which render interaction with disapproved partners impossible.

The basic assumption underlying the peaceful resolution of conflict is founded on two essential approaches, which are, first, resolving the conflict through a negotiated settlement between warring parties, and second, the use of mediation, particularly in cases where disputant parties are unable to negotiate on their own. Even though the Somalis have embraced the notion of the peaceful resolution of their conflict, there have been challenges with regard to reaching a negotiated settlement of the civil war in that country. After fourteen peace attempts since the collapse of the Somali state in 1991, there is still no settlement of the conflict. Significantly, the Djibouti Peace Conference (1991), the Addis Ababa Peace Conference (1993), the Cairo Peace Conference (1997), the Arta Peace Conference (2000) and the Mbagathi Peace Conference (2004) are regarded as major internationally sponsored peace conferences. A hallmark of these processes was that they focussed on power-sharing as a point of departure for resolving the conflict.

The subject of this study is a critical analysis of why the process to resolve intractable conflict in a failed, collapsed and disintegrated Somali state has shown resistance to

peaceful (and military) efforts towards its resolution. One of the missing factors in previous analyses as will be argued in this thesis, is the absence of an understanding of the exceptional nature of 'statelessness' in Somalia and the impact of external parties' interests in modelling and manipulating the conflict resolution process. For example, the conflict has been perceived as an extension of the war on terror by the Bush administration, with the Obama administration seemingly also pursuing the same policy (see Lewis, 2008; Bruton, 2010; Murphy, 2011). Furthermore, it has become the theatre of conflict between Ethiopia and Eritrea in their hegemonic control of the Horn of Africa, compounded by the territorial war between them. The question therefore arises why, after more than twenty years, is it still impossible to find a sustainable resolution of the Somali conflict?

Hampson (2001: 388) raises questions that are pertinent for further research in the development of the field of conflict resolution with specific reference to mediation, such as, should the aim of mediation be to separate parties to the conflict; should it arm them in an effort to achieve a balance of power; should it be to negotiate a ceasefire so that parties can begin a process of negotiation to resolve their differences? Furthermore, should it be to mediate an end to the conflict but leave the implementation of the settlement to others, or should it be to assist with the establishment of new governance structures and democracy itself? In attempting to answer these questions, it would be imperative to bear the peculiarities of a given prevailing situation, in mind, which should invariably dictate the approach to be followed in that particular situation. Failure to analyse conflicts on their own merits may perpetuate them for much longer than necessary. This has had a perpetual impact on various efforts to resolve the conflict.

This study analyses the intricate process of resolving an intractable conflict in a failed, collapsed and disintegrated state. In this context, the Somali conflict is used as a case study to investigate the relationship between state failure and intractable conflict and

the role played by ethnicity in perpetuating the conflict with a focus on the instrumentalist school of thought. It looks at the reasons for the relentless quest to use state building as an instrument of peaceful transformation of the Somali conflict despite the high failure rate of resolving the conflict. It analyses the role of negotiators (disputants) and their interest in the failed social contract between the state and its citizens and lastly, it examines the phenomenon of civil militia groups as a cohesive political and military force in Somalia and how this affects the conflict resolution process.

1.2 Literature review

This literature overview deals with six broad categories of scholarship related to this study: state failure, state collapse, and the state disintegration phenomenon located within the international state system theory, the scholarship on ethnicity, within which the study locates the Somali clan identity; the concept of a 'protracted conflict,' within which the Somali conflict is located, the 'negotiation' and 'mediation' concepts and their application in the Somali peace process and the concept of the 'civil militia phenomenon' and its impact on the Somali conflict resolution process.

The literature on which this study is based can be divided into three broad fields respectively, concerning conflict resolution within the study of Political Science: the concepts of 'state failure,' 'state collapse,' 'state disintegration,' 'ethnic conflict' and the 'civil militia phenomenon' in intractable conflicts. This study explores the failure of the peace process in Somalia using negotiation and mediation theories, state failure, state collapse and state disintegration; and ethnic conflict. The scholarship on conflict resolution provides a foundational framework for an analysis of the failure of the Somali peace process. The concepts underlying negotiation and mediation are fundamental to the peaceful resolution of any conflict. In this regard, the concepts and approaches to negotiations are provided by scholars such as Hamilton and Langhorne (1995), Mayer (2000), Berridge (2001), Dupont and Faure (2002), Kremenjuk (2002) and

Zartman (2002a; 2002b; 2008; 2009; 1983) who define negotiation as a fundamental instrument in the process of conflict resolution and management. Similarly, the scholars attribute the successes and failure of negotiations to a variety of causes. Zartman (1983) attributes the failure of negotiations to what he calls the best alternative to a negotiated agreement (BATNA), which suggests that disputants would always choose conflict if there is no mutually hurting stalemate (MHS) with regard to the conflict. In turn, Druckman (2002: 326) argues that a major factor in negotiations is the asymmetrical power relations of parties to the negotiation process. This asymmetry of power concerning the negotiation process is a major factor in the Somali peace process as we shall see when we explore the peace process in Somalia in chapter five of this study.

The literature suggests that there are two conceptual approaches to the field of mediation, namely, the soft power approach and the coercive approach. Mayer (2000; 2004), Zartman (2008) and Crocker *et al.* (2009); provide definitions of and approaches to mediation of conflicts in general, however, this study explores the specific failure of mediation in the Somali conflict since the collapse of the state in 1991. Although coercive mediation remains an option in the process of conflict resolution, the approach has its limitations and Mayer (2004), Ramsbotham *et al.* (2001) and Crocker *et al.* (2009) suggest that mediators change the structure of the conflict when they bring coercion to bear on any party to the conflict and they become actors in the conflict. Hampson (2001: 389) argues that hard realists see coercive force and the balance of power as a key tool in the resolution of ethnic conflicts. A closer look at the Somali conflict reveals the predominant application of a coercive mediation in conflict resolution process, which has thus far failed to yield sustainable peace in Somalia. The mediation processes have failed to analyse Somalia within the context that it has some form of governance that is referred to in this study as the militia governance and balkanised along clan political structures even though this form of governance may not meet the Westphalian state expectations and requirements. There is growing

evidence that Libya may have reached a state disintegration phenomenon similar to that of Somalia, this growing evidence was apparent when the warring parties in the conflict signed the peace agreement in New York on 16 December 2015 as there is no single militia group that can lay claim to control of the capital city, Tripoli. In effect, the capital city is under control of various civil militia groups, often organised in terms of tribal affiliation and control.

Brozus (2011) and Ladwig and Rudolph (2011) allege that state failure relates to the inability to exercise the monopolies of the state function, namely, the monopoly of the legitimate use of violence, the monopoly to collect taxes and the monopoly to legislate the laws of the country. This notion of instruments of the state monopoly does not address situations where the state has disintegrated and where there are abuses, particularly by means of coercive force by militia groups who have captured what has remained of the state, such as in Somalia. This study analyses the causes of state failure, state collapse and state disintegration in Somalia by exploring the literature on the formation of the Somali state in 1960, with particular focus on the quality of political leadership and the weaknesses of the early Somali state (see Lewis, 2002; Brons, 2001;). Chapter three of this study explores the strengths and weaknesses of the post independent Somali state. In this regard, Brons (2001), Lewis (2002), Samatar (2002), Adam (2008) and Prunier (2010) trace the failure of the Somali state to the shaky colonial foundation, compounded by weak economic development at independence in 1960.

The available body of scholarship on state failure, state collapse and state disintegration defines state failure as a process triggered by both the historical process of state formation and limited human capabilities, in the first instance. Klare (2004) and Zartman (1995) suggest that state failure is usually a prolonged interaction of a number of powerful corrosive factors, which include economic stagnation, political and ethnic factionalism, pervasive corruption, decaying national infrastructure and environmental degradation. Demetriou (2003) defines the state collapse phenomenon

as the breakdown or disintegration of central political institutions, the system of authority that underlies them and the unravelling of the complex relationships between the state and society. Rotberg, 2004: 14; and Abdullahi, 2007: 42) contend that state collapse is a rare and extreme version of state failure. Accordingly, Somalia is the only failed state to have gone through the process of state collapse and disintegration in the contemporary state systems. Failed states such as South Sudan, the Central African Republic (CAR) and the Democratic Republic of Congo (DRC), Afghanistan and Yemen still have some form government institutions in their capital cities, notwithstanding their weaknesses. State failure in these countries suggests that they may experience state disintegration if there are no sustainable conflict resolution processes.

Importantly, balkanisation of the Somali state is created in accordance with clan political affiliation and patronage and it is the clan divisions that are exploited by militia leaders to pursue the political and economic stranglehold on the population. To understand the ethnic conflict phenomenon, this study uses the scholarship of ethnic conflict that acknowledges that the ethnic conflict phenomenon is not that simple to understand. In this context, Cordell and Wolff (2010: 01) argues that the ethnic conflict phenomenon in international affairs is quite as difficult to understand as it is to define. The scholarship on the ethnic composition of the Somali society is similarly divided. When the argument is advanced from the perspective of cultural, language and religious homogeneity by scholars such as Brown (2010), Elmi (2010) and Zartman (1985) the narrative suggests that the Somali conflict is not driven by ethnicity. On the other hand, scholars such as Adam (2008) and Zartman (1985) postulate that clans are another form of ethnicity. However, Lewis (2002) suggests that the Somali society has important social and economic cleavages that are not always readily apparent to outside observers, which is the matter that evades some scholars in the location of the Somali clan identity within the broad framework of ethnicity. While Horowitz (1985) points out that ethnic conflict is a world-wide phenomenon. The Somali clan and the

definitions of ethnicity are analysed in chapter two that deals with theoretical concepts; while a further analysis of the clan political systems is carried out in chapter three. In conclusion, the contribution of this study to the body of literature is in the field of militia groups who have seized political and economic power, referred to in this study as the third generation militia state.

1.3 Research problem, research questions, research objectives and key assumptions

The Somali conflict has taken a destructive direction and has developed some level of immunity to both military and peaceful settlement approaches. This pattern of behaviour is referred to by scholars of conflict resolution as intractable conflict (see Crocker *et al.*, 2009: 496; Coleman, 2006: 533). Coleman (2006: 534) argues that scholars have begun to identify a diverse and complex array of interrelated factors that can help to distinguish between tractable and intractable conflicts. The problem of Somalia is that the conflict is indeed intractable, characterised by domestic anarchy, polarised clan identity, self-destructive political power struggles and the evolution of the country into a militia state.

The absence of institutions of state to manage the social contract with the citizens has created a political vacuum that has been filled by militia groups who have no domestic sovereignty. Furthermore, the absence of a central government and state institutions capable of managing and effecting the power-sharing agreements that emanate from previous power-sharing peace negotiations is a problem confronting Somalia as a country that still enjoys international sovereignty. In short, the violent and destructive conflict in the country has not been amenable to either peaceful or military resolution approaches. An understanding of the nature (the what) and the magnitude (the how) of the Somali state failure and collapse, provides a framework to interrogate why international diplomacy failed to assist parties (the who) to the conflict to establish sustainable peace and security. Critiques of the neoliberal state-building approach of

conflicts resolution such as Richmond (2013), argue that the neoliberal state-building approach does not address the current of violence or address the root causes of the conflict. In turn, Menkhaus (2003: 12) and Moller (2009: 14) suggest that there is a correlation between violent conflict and the neoliberal state-building approach that attempts to resolve the Somali intractable conflict.

1.3.1 Research problem

The research problem of this study is focussed on conflict resolution in a failed, collapsed and disintegrated state and it is limited to the Somali state collapse and subsequent initiatives to resolve the conflict since 1991. Rotberg (2004) and Abdullahi (2007) suggest that state collapse is a rare and extreme version of state failure. The Somali state collapse process resulted in a Westphalian state without a central government. The absence of a central government has resulted in the emergence of a plethora of militia groups, often organised along clan political lines. Furthermore, these militia groups have balkanised Somalia into fragmented clan-based militia federated regions. Importantly, these militia groups have no political agenda to transform the conflict in the country, except to continue to benefit from the war economy of Somalia.

The disintegration of the Somali state and the absence of a central government to conduct and manage the domestic and international affairs of the state has resulted in the international community's focus on a state-building approach in the resolution of the conflict. Because the target of a state-building approach to conflict resolution is the failed state. In this context, Heathershaw, (2008) and Richmond (2013) suggests that state-building approach to conflict resolution fails to connect with the local target populations, and thus, fails to provide a sustainable solution to the conflict.

The disintegration of the Somali state and the destruction of its instruments of power has resulted in an empty and often deceptive concept of 'power-sharing' punted by the

international mediation during the select peace conferences. The persistent use of a state-building approach has become a contested terrain by the disputants and it has become another intractability factor in the conflict. The 'power' concept in the Somali context, has evolved to include civil militia groups, a phenomenon that is given analytical attention in this study, mainly because militia groups are not only seen from the perspective of spoilers, but are spoilers with the military power and capabilities to disrupt any attempt to establish a central government that may pose a threat to their stranglehold on what remains of the Somali state resources.

In fact, Somalia is a militia state ruled by militia leaders who have balkanised the country along clan parochial divides since the collapse of the central government in 1991. In this regard, the study has identified the Third Generation Civil Militia Theory as the basis for analysis of the militia groups controlling different parts of Somalia.

The possible relationship between Al-Qaeda and some Somali militia groups has led perceiving the conflict in the context of global terror network, which justifies intervention in the Somali conflict by major global powers such as the US. This has complicated the efforts to resolve the Somali conflict.

1.3.2 Research questions

The research questions of the study are predicated on the basis of the Somali state failure, collapse and disintegration despite innumerable attempts at conflict resolution:

- What are the causes of the failure to find a sustainable conflict solution for the Somali conflict since 1991?
- What is the role of predatory militia leaders who do not want a peaceful resolution of the Somali conflict because it may threaten their continued illicit profiteering from the spoils of the civil war?

- Why has the military intervention by the United States (US), United Nations (UN), Inter-Governmental Authority on Development (IGAD) and the African Union (AU) fail to resolve the conflict since 1991?
- Related to the failure of the peace process in Somalia, is to what extent do clan patronage and lineage play a role in providing civil militia leaders with recruits in perpetuating the conflict?

1.3.3 Research objectives

- The primary objective of the study is to provide an analysis of the failure of the peace process in Somalia since 1991, through select peace conferences that included and were driven by regional and international mediation within the broader context of theories of conflict resolution, with emphasis on the intractable conflict and ethnic conflict. Related to the primary objective of study, the study will explore the following sub research objectives:
- A further objective is to evaluate the research findings and make recommendations for future conflict resolution processes around the world, particularly conflicts that show similarities to those of Somalia, such as Iraq, Libya, Syria and South Sudan where the third generation civil militia groups may be emerging.

1.4 The contribution of this study

The contribution of the study is two-fold. The first is to bring into the academic discourse, the practitioner's perspective. As a diplomat and a former participant in the negotiation to the Somali conflict resolution, his contribution is to bring a balance between theory and practice in the resolution of conflict through the Somali experience. This study is a contribution to the literature that integrates the dynamics of conflict resolution into the field of diplomacy.

A second contribution of the study is to contribute specifically to the study of the protracted conflict field. The Somali conflict is used as a case study to investigate conflict resolution in a failed, collapsed and disintegrated state and to explore the new militia phenomenon, identified in this study as a third generation militia group. The study offers insights into the manner in which the international system has dealt with issues of intrastate conflict management and resolution, particularly in situations where the state system has collapsed and disintegrated totally and has been replaced by the new form of state referred to here as a militia state operating outside international conventions governing interstate relations and responsibilities.

The 'third generation militia' concept would also contribute to understanding the changes taking place in countries such as Libya where the state is on the verge of total disintegration, with militia groups' balkanising the country into tribal fiefdoms. A similar phenomenon is emerging in Iraq, where militia groups are partitioning the country along tribal lines and the institutions of the state are no longer able to exercise basic functions, not even in minimum terms. This study takes us beyond the generalisation of the impact of collapsed states as a destabilising phenomenon on the contemporary state system by analysing the Somali conflict on its own merits, not as a proxy in the global security system, particularly with regard to the global war on the terror policies of countries such as the US in the so-called war on terror.

The third contribution of the study is in the area of intrastate conflict and the conflict resolution process. Although interstate conflicts have declined significantly since the end of the Cold War, intrastate conflicts remain a challenge to modern day diplomatic practice and application, particularly in developing countries as reflected by the failure to resolve the conflict in the DRC, Somalia, Afghanistan, the CAR, Mali and the other countries facing similar conflict challenges (see Shultz & Dew, 2006: 3). Contemporary diplomatic practice has embraced both coercive and soft power diplomacy in the

management and resolution of intrastate conflict resolution. However, the classical diplomatic definition by Richelieu (1961) of diplomacy as continuous negotiations, is relevant for the management and resolution of conflicts. This study thus contributes to the field of diplomacy in general and conflict resolution in particular.

The final contribution of the study is in the area of intrastate conflicts following the end of the Cold War in the 1990s that has created an unprecedented climate conducive to the resolution of intrastate conflicts, yet the international system has not developed measures to deal with such conflicts that are driven by a range of issues emanating from the residues of the Cold War, such as the proliferation of weapons of mass destructions and small arms. It is the proliferation of small arms that have become weapons of choice in civil wars that are wreaking havoc in poor countries, particularly in the African continent. The state failure in countries such as Syria, Libya, CAR and Iraq will further contribute to the proliferation of small arms in conflict areas and the Horn of Africa region in particular, given the political and military fluidity of the region. The study can contribute to the area of arms control and disarmament.

1.5 Structure of the study and the research methodology

This study is a non-comparative single-state case study, based on an analysis of documents related to internationally sponsored peace processes, the scholarship on the Somali conflict and peace processes, the scholarship on the concepts of 'state functions,' 'state weaknesses,' 'state failure,' 'state collapse' and 'total disintegration' and the civil militia theory form part of the analysis. A descriptive-analytical-explanatory approach will be used, following a selection of the theoretical literature on conflict resolution, namely, the intractable conflict theory, the state failure theory, the mediation theory and the negotiation theory. They are used to analyse the Somali conflict and the inability to bring it to an end.

Furthermore, a historical approach is used in this study. This involves looking at how Somalis coexisted among each other during the period 1960 to 1969 after which Siad Barre seized power in a military coup and the manner in which the Siad Barre regime fell and the subsequent collapse of the Somali state in 1991. This is followed by an analysis of the various attempts to resolve the conflict with particular focus on five main peace processes, namely, the Djibouti Peace Conference (1991), the Addis Ababa Peace Conference (1993), the Cairo Peace Conference (1997), the Arta Peace Conference (2000) and the Mbagathi Peace Conference (2004). Understanding the historical context of the Somali intractable conflict provides the framework to explore factors that shape and influence conflict behaviour, the politics and culture of the Somali people in resolving and managing their conflict. It would also help to understand the Somali value system and gain insight into the prominent variants that would help to unlock the resolution potential of the conflict.

The author's personal engagements with the Somali peace process between 2002 and 2008 when he was a presidential envoy to Somalia adds value to the analysis presented in this study, particularly with respect to engagement with the Mogadishu-based militia leaders and other militia factions of the Transitional Federal Government (TFG). In particular, the researcher's recollection of events and interaction with the role players during his visits to Somalia, especially to Mogadishu and Jowhar at the height of tensions with the TFG and mainly between the factions of Abdullahi Yusuf Ahmed and those of the warlords, are useful for analysing the situation at the time.

Literature on forms of personal observation and so-called participant observation as particular, and often problematic, data collection methods abounds (see e.g. Kawulich 2005), with De Munck and Sobo (1998) and Johnson and Sackett (1998) being very critical of this form of data collection. However, the author's use of information gained from his participation in peace negotiations in Somalia during the first decade of this century cannot be classified as based on a participant observer model as understood in classical ethnographic/anthropological studies. First, at the time of his involvement, he

was not involved in academic studies, and second, his 'field experience' contributes to this study in the sense that it has provided him with insights into the situation that he is analyzing, thereby both enriching the analysis and allowing for a more nuanced presentation of the argument. The author is fully aware of the shortcomings of participant observation and the fact that it can be, in the words of Johnson and Sackett (1998) 'a source of erroneous description', but for this reason the study also relies heavily on secondary sources by academics and scholars in the field who discuss and analyse the Somali case in order to ensure a balance and a form of verification of data and opinions. The author's contribution as having been involved in some of the negotiations does not constitute a major source of the study. Rather, it is stated upfront in recognition of the fact that it is unavoidable that his previous experience would impact his analysis.

One of the shortcomings of the study is the fact that the author did not have the opportunity to visit Somalia during the period of his study. The plan was initially to contact the various role players who had participated in the various peace negotiations and to conduct interviews with them, but the security situation in the country, and in particular in Mogadishu, remained critical and very dangerous throughout the period of the study. This explains at least partly why the researcher resorted to his experience and observations during his period as presidential envoy. A further limitation to the study is the fact that documented records of the Somali peace processes are not easily accessible – again due (at least partly) to the high levels of insecurity in the country which precluded the possibility of archival research in Mogadishu. In this instance the author's recollections and notes stood him in good stead. However, apart from a comprehensive literature on the Somali crisis over the past decade and a half (secondary sources), the author also made use of available documents, agreements, communiques and other forms of primary sources as part of gathering information.

1.6 Chapter division

Apart from this introductory chapter, there are five other chapters. Chapter two discusses the relevant concepts and approaches pertaining to state failure, state collapse and state disintegration. The definitions and concepts of 'ethnic conflict' are also explored in chapter two and the definitions and approaches of negotiations and mediations are identified in this chapter. The chapter also explores civil militia theories, and can make a contribution to the academic discourse on the new phenomenon of civil militia groups who are challenging the conventional definition of a state system. Conclusions are drawn at the end of the chapter, particularly with regard to the civil militia phenomenon.

Chapter three deals with the historical perspectives of the Somali political state system since the creation of the Somali Republic in 196 and its strengths and weaknesses. The chapter provides the context of the formation of post- independent Somali by providing a brief perspective of the Somali legal framework that underpinned the state formation, people, their religion, their country and their way of life. The clan family roots are explored in this chapter. The chapter traces the collapse of the Somali state to the militarisation of Somalia by the Siad Barre military regime since 1969 and the eventual disintegration of the Somali state in 1991 and the subsequent emergence of the warlords and civil militia leaders. The post-Siad Barre rule is explored in order to analyse the evolution of Somalia into a militia state.

Chapter four explores the evolution of the Somali protracted conflict its impact and eventual failure, collapse and disintegration of the state in 1991. The militarisation of Somalia by Siad Barre as well as the defeat of Somalia in the Ogaden War that is attributed to the civil war and the eventual state collapse in 1991 is also explored in this chapter.

Chapter five is a critical analysis of the failure of the Somali peace processes since the failure, collapse and disintegration of the Somali state since 1991. The focus is mainly on the Djibouti Peace Conference (1991), the Addis Ababa Peace Conference (1993), the Cairo Peace Conference (1997), the Arta Peace Conference (2000) and the Mbagathi Peace Conference (2004). These peace conferences are seen to be the major conferences of the fourteen peace processes in Somalia. The application of 'conflict resolution' concepts are tested in this chapter, explains the reasons for the failure of the peace process in Somalia since the collapse and disintegration of the Somali state in 1991. The chapter also explores the challenges faced by conventional mediation of militia states as a new phenomenon that challenges diplomacy to come up with an innovative way to mediate in states without a central government. The lessons learnt are then reflected in the concluding chapter of this study with recommendations for areas of further research.

The concluding chapter provides a summary of the study and presents the key research findings. This chapter discusses the implications of these findings for future peace processes as well as the lessons learned with a view to contributing to the body of knowledge on conflict mediation and negotiations, with a particular focus on intractable conflicts characterised by ethnic division animosities. It concludes by making recommendations for further study and research in the field of conflict resolution.

Chapter two

Theoretical concepts

2.1 Introduction

The theoretical concepts identified in this chapter form the fundamental basis on which to understand the process of state failure and disintegration in Somalia. The concepts should be clear in order to provide an understanding of the dynamics and actors responsible for the Somali state disintegration. The global political system is founded on states as core units with rules and regulations, enforced by international law that regards all states as equal, irrespective of their developmental stage, international power relations, and capabilities to meet their domestic and international obligations. The state system is a generally accepted phenomenon, although there is also recognition that there are within this realm, successful states, weak states, fragile states, failed states and collapsed states (see Clapman 2004; Herbst 2004; Rotberg 2004; Conrad & Stange 2011). The fundamental difference between these types of states lies in their ability to perform their institutional functions to enforce central political decisions on the society within their borders. In most cases, state failure to perform this function has resulted in weakening state institutions and has eventually resulted in state failure or collapse, and total state disintegration in rare cases such as Somalia.

Despite the problems regarding new militia configurations confronting the state system as a global phenomenon, there are, as yet, no alternatives to it. In this context, Cox (1986: 205) argues that the state remains as the focus of IR thinking, and is still a singular concept: a state was a state a state. Cox further notes that there have been a few attempts within the bounds of international relations theory to consider the state/society complex the basic entity of IR, which is at the core of the social contract and eventually the recognition was achieved that the evolving international relation situation requires a critical evaluation in order to identify the threats and opportunities

presented by socio-political changes in the global state system, in this regard, the third generation civil militia theory should be seen within the context of changing international relation dynamics. Consequently, the third generation civil militia theory is located within the broad framework of critical theory, because it seeks to analyse the evolving contemporary civil militia phenomenon critically. Cox (1986: 208) asserts that critical theory, unlike the problem-solving theory, does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing. Thus the third generation civil militia theory is located within the critical theory framework that seeks to understand the global political, economic and military power relations in failed, collapsed and disintegrated states, using Somalia as a case study.

In the recent past, failed and collapsed states have become theatres of violent conflict often fought along ethnic lines, and eventually evolving into an extreme form of domestic anarchy and transforming such failed, collapsed and disintegrated states into what this study defines as militia states. The Somali state is balkanised into militia control fiefdoms, and there is no central government to perform basic functions of the state. Protracted conflicts in failed and collapsed states have in some cases created their own intractability, with accumulation of resources used to lure clansmen as instruments of perpetuation of the militia conflict. Cassanelli (2003: 22) suggests that the scramble for scarce resources is fundamentally the root cause of state contestation by militia groups in Somalia. Africa has for some time become the main focus of ethnic conflicts, as was the case in Rwanda, between the Hutus and Tutsis; between the Nuer and the Dinka in the Southern Sudan; and the civil war in Somalia which is driven by clan differences and affiliations. Further afield, the disintegration of Yugoslavia during the 1990s also exposed the underlying ethnic centrality during the civil war. Similarly, the Afghan conflict has its roots in ethnic divisions, and the same can be said about Pakistan. The current situation in Libya may further expose how ethnicity is

instrumental in the disintegration of the state and creation of the third generation militia state where the country is balkanised along ethnical divides and affiliations.

The international system remains the only instrument used for managing global conflicts with institutions such as the United Nations Security Council (UNSC), regional organisations and other multilateral instruments of conflict resolution, notwithstanding weaknesses in the international political system. Reflecting on the international system weaknesses, Moller (2009: 14) observes that because the international system is constructed around states to such an extent it is unable to handle stateless territories inhabited by people who cannot be classified as citizens of any state. Accordingly, Herbst (2004: 302) observes that the international community has had difficulty coping with failed states in part because its legal blinders prevent it from recognising state failure phenomenon. Therefore, interventions in resolving conflicts in failed and collapsed states are constructed around the traditional state-building approach.

As a result, most international donor agencies and most international state-building and democratisation programmes from the World Bank to the European Union (EU) and the US presuppose that the modern Western nation-state is a model for good governance (Risse, 2011: 8). Given the assumption that the state system is a fundamental instrument of peace, security and prosperity, international diplomacy in conflict resolution has adopted a state-building approach as the only viable option for transformation of conflicts in failed states, often emphasising the notion of government of national unity. This approach is prevalent in countries such as Somalia and the DRC.

Sustainable resolution of protracted conflicts requires the careful utilisation of all instruments of conflict resolution, particularly mediation. Mediation is not only a critical instrument for international diplomacy in the resolution of conflicts among states, it is fundamentally critical in the resolution of intrastate conflicts as observed in the attempt to resolve the Somali conflict through peace processes explored in chapter five of this study. Like any other tool, the necessary care in the application of the

fundamentals of mediation is required in order to ensure its success. Failure of mediation in the Somali conflict is a matter of critical interrogation in this study, to explore reasons primarily for the failure of international diplomacy in the Somali conflict resolution processes since the collapse of the state in 1991.

This chapter identifies the definitions and frameworks of mediation and negotiation and these frameworks are essential tools for a critical analysis of the failure of diplomacy in the resolution of the intractable Somali conflict. The definition of ethnicity is also explored to provide the location of the Somali clan system within the broader context of identity. Both instrumentalist and primordialist realms are crucial when analysing the fundamentals of the clan involvement in the Somali conflict and the resolution process. This chapter focusses on defining different levels of state function and failure, and review the literature on the definition and functions of a state which form the basis for locating the metamorphosis of the Somali state collapse and its eventual disintegration in 1991. Causes of the Somali state failure will be discussed in chapter three of the study.

In addition, this chapter discusses the broad characteristics of state failure and total disintegration that is a phenomenon applicable to states where the central government has collapsed including in the capital city, and the state is no longer limited to control of the capital city as observed during the weakening of the state stages (Herbst 2004: 303; Brozus 2011: 264). The chapter also argues for the need to further expand on the concept of civil militia groups which have evolved since its inception during the European occupation of America in the 1500s (Yoroms, 2005: 42). Consolidation of the state system during the early centuries was critical in entrenchment of the militia phenomenon, particularly the first generation of militia groups referred to as citizens' defence units, peoples' defence units, and other names used in the description of conscripted military personnel by states, mainly by strong and functioning states. The second generation of militia groups were prominent during the Cold War and were used as an instrument

for holding onto power by dictatorial regimes where institutions of state were weak, and in some instances failed. The third generation of militia groups are a products of the changes brought about the post-Cold War international political order with the United States as unipolar political hegemony.

2.2 Understanding the state conceptual framework and functions of the state

To understand the emergence and demise of the Somali state it is important to reflect on some basic conceptual frameworks of the modern state system, which are used in the evaluation of contemporary states, Somalia included. The concepts of 'state functions' and 'failure' are crucial in the critical analysis of the failed, collapsed and disintegrated Somali state. Laitin (2007: 82) argues that one of the core myths prevalent in successful nation-states is that these states are natural, in the sense of correctly encompassing well-defined nations within the boundaries of the recognised state. Risse (2011: 11) defines such a recognition of states as Westphalian sovereignty. Many of the postcolonial states in Africa and South Asia have been described as having arbitrary boundaries, not reflecting national cultures, and therefore somewhat suspect as nation-states. The story of the emergence of the modern state can be told in several ways amongst which, historically and conceptually." In historical terms, its emergence is commonly (if simplistically) dated" to the sixteenth and seventeenth centuries (Krause, 2003: 3). Emblematic in this narrative is the Peace of Westphalia of 1648, which codified solutions to the problems of political order revealed in the Thirty Years War. The Westphalia Treaties were but one of the early instances in which the concept of the modern state as a sovereign territorially-based entity- was deployed by secular rulers to assert their control over their land and population (Milliken & Krause, 2003: 3).

According to Zartman (1995: 5), a state is the authoritative political institution that is sovereign over a recognised territory. This definition focusses on three functions; the state as the sovereign authority - the accepted source of identity and the arena of politics; the state as an institution- and therefore a tangible organisation of decision-making, and an intangible symbol of identity; and the state as the security guarantor for a populated territory. Clapman (2004: 77) argues that states organisations capable of maintaining a monopoly of violence over a defined territory, and of controlling, the interaction between that territory and the world beyond it to a significant extent. These definitions do not deal with situations where there are no state instruments, or where the state has been replaced by militia groups with no rights and obligations of the state such as providing security to the population and providing the collective goods. The Somali state failure, collapse and disintegration resembles this form of domestic anarchy which has given rise to the new generation of militia groups, defined in this study as Third Generation Militia Groups.

The state is a paramount instrument of national security. Rotberg (2004: 6) argues that citizens depend on the state to secure their persons and free them from fear. Thomas Hobbes and Hugo Grotius believed that insecurity in the state of nature compelled man to seek security in social organisations where individuals give up their partial freedom for the secured freedom provided by the state (Yoroms, 2005: 31). Rousseau (1993: 207) challenges Grotius and Hobbes, and he places more emphasis on the social liberty of individuals by arguing that the social treaty is aimed at the preservation of the contracting parties. He who wills the end wills the means also, and the means must involve some risks, and even some losses, “to this end, he who wishes to preserve his life at others’ expense should also, when it is necessary, be ready to give it up for their sake” (Rousseau, 1993: 207). The foundation of the social contract is embedded in the collective responsibility of the society in a situation of functioning states, and this is the missing phenomenon in the anarchic Somalia militia state.

Risse (2011: 1) argues that the governance discourse remains centred on an “ideal type” of modern statehood – “with full internal and external sovereignty, a legitimate monopoly on the use of force, and checks and balances that constrains political rule and authority.” Rousseau (1993: 184) challenges the notion of force in power relations` by stating that force is a physical power, and asks what moral effect it can have? He further argues that to yield to force is an act of necessity, not of will – at the most, an act of prudence, and raises a question as to, in what sense it can be a duty (see chapter five).

There is wide scholarship agreement that a functioning state should achieve certain standards in the areas of governance and authority, such as human rights, democracy, and the rule of law as well as to provide common goods such as security, welfare and a clean environment (Risse, 2011: 1). Dealing with the matter of state monopoly, Schuppert (2011: 65) defines it as the legitimate monopoly of violence and the legitimate monopoly of legislation. The concept of political legitimacy is fundamental in understanding the state monopoly in the aforementioned areas. The legitimacy of the state is also fundamental in this regard, and the state monopoly is in the modern state context, derived from the democratic process where the people are empowered to entrust these monopolies of the state to persons they trust. The Third Generation of Militia Groups has forcefully assumed the monopoly for violence without any trust and mandate by Somalis.

The main function of the state is to govern its territory, and in this context, Conrand and Stange (2011: 39) argue that in recent years, governance has evolved into a key concept in political science. The term is used to refer to the processes and structures of regulations and rules that are either not at all, or at least not primarily and exclusively, based on hierarchically organised government action, but instead involve non-hierarchical modes of action by private, semi-private, and public actors. Defining governance in terms of including state and non-state actors in the provision of collective

goods more often than not relies on the distinction between the public and private realms (Conrand and Stange, 2011: 39).

The distinction between the public and the private realm, however, stems from the modern statehood in its Western and Eurocentric understanding (Risse, 2011: 11). The contemporary global political system is characterised by strong civil society organisations that demand more say in the matter of state functions. It is in this regard, that the term “governance without a government” has become more pronounced, particularly in Western democracies. Realists of all stripes agree that states are the most important actors in the international system, that anarchy has a powerful effect on state behaviour, and that at the end of the day all politics is power politics (Wohlforth, 2008: 133; Nye & Welch, 2011: 56).

The contemporary state system is an embodiment of cooperation between state and non-state actors. Globalisation has also created a platform for non-state actors to challenge the doctrine of *raison d'état* (reason(s) of state) that holds that, “where international relations are concerned, the interests of the state predominate over all other interests and values” (Donnelly, 2008: 154). However, this classical realist view was more pronounced during the Cold War era, and it is now challenged by the global movement for peace, the global movement for human rights, the global movement for a cleaner environment and the other causes of global nature. In some instances, the growing active role of civil society has compelled state actors to enter into private-public-partnership for the delivery of public goods, thus changing the manner in which a modern state functions and carries out its obligations.

Failure to adapt to the public voice for more involvement in the daily affairs of the state has led to the collapse of governments in Tunisia, Egypt and Libya in the recent past. The internal sovereignty of the state has become more crucial for survival of the state and its governance structures. The redefinition of security that includes social issues is fundamental in the management of conflicting interests of communities in a given

country. In this context Richmond (2010: 15) argues that broadening security to include a range of political, social and economic factors allowed for the consideration of security in the context of everyday life in order to facilitate local agencies. Donnelly (2008: 155) argues that other national interests, though no matter how “vital,” lack the pre-emptive force of survival, they must be balanced against competing political, legal, moral and other imperatives. However, realists typically ignore these problems, and at their worst, realists advance the monstrously misguided claim that national interests ought always to take precedence over all the other values in the decision of state (Donnelly, 2008: 155). External sovereignty or what Risse (2011: 11) calls the “Westphalian Sovereignty” is conceptually an international recognition of the state and its territorial borders, sometimes referred to as territorial sovereignty.

The neoliberal paradigm is a proponent of the international political system, with international organisations at the helm of global rules enforcement. In this context, the state is a fundamental instrument to enforce international rules and regulations, sometimes to the political, economic and social detriment of a particular people. At the core of neoliberalism is an assumption that liberal democracies do not go to war with other liberal democracies (Owen, 1998: 137). Hass (in Ray, 1995: 11) suggests that democratic countries have fewer conflictual relationships than nondemocratic countries. These views informed the neoliberal state-building approach to conflict resolution, particularly in areas of limited statehood and collapsed states. Owen (1998: 139) defines a liberal democracy as a state that instantiates liberal ideas, one where liberalism is the dominant ideology and citizens have leverage over war decisions. That is, liberal democracies are those states with a visible liberal presence, and that feature free speech and regular competitive elections of the officials empowered to declare war. This definition of a liberal democracy is not ideal for the prevailing Somali situation.

These liberal assumptions of state-building as an instrument of transforming conflicts is the subject of analysis in this study given that international diplomacy in the Somali conflict resolution is predicated on the assumption that creation of a central government is fundamental for radical transformation of the conflict. Another fundamental implication of liberal theory concerns its status as a “systemic” theory. To some, the central liberal claim in essence, “what states want, determine what they do” may seem commonsensical, even tautological. However, Heathershaw (2008: 610) suggests that the target of state-building is the failed state. A failed state, to state-builders, who are often political realists, is an environment much like international anarchy. Similarly, Coleman (2006: 542) points out that historically, the realist paradigm has been the dominant perspective for the study of war and peace in history, politics and international affairs. Essentially, a political metaphor, it views protracted conflicts as dangerous, high-stake games that are won through the strategies of domination, control and counter-control. The liberal and realist paradigms are concepts that have dominated the Somali conflict resolution process without sustainable success.

Yet, Moravcsik (2008: 248) points out that, for the past half-century, mainstream international theories, notably realism and institutionalism but also non-rational theories (focussing on patterns of beliefs about appropriate means-end relationships), have defined themselves in opposition to precisely this claim of “what states want determines what they do”. In this regard, the study explores the motives of neighbouring countries in the mediation process in Somali, to establish whether this liberal claim is not central to the failure of the mediation, and that the Somali peace process is essentially all about power politics. Understanding of the Euro-centric state functions are instrumental in testing the hypothesis that state failure in Somalia is the result of colonial failure to assist the Somalis to create a viable state in since 1960 (see chapter three).

Neo-liberalism has become a cornerstone in the contemporary international system, mainly due to its emphasis on the role of institutions of good governance, this strand allows people to believe there is not going to be conflict in situations where the institutions of governance are strong. The assumption is made that systems of governance reduce the effect of the anarchy that the realists postulated. In this regard, a state of peace means the propensity toward peace, and that people can develop peaceful expectations when anarchy is reduced by international institutions (Nye, & Welch, 2011: 60). The assumption of this neo-liberal approach does not take the realities of domestic anarchy similar to that in Somalia into account where the institutions of governance have been decimated, and replaced by civil militia rule accountable to no organisational structure of governance in the country.

2.3 Defining state failure, state collapse and state disintegration

While state failure may relate to the inability to exercise the three monopolies of the state function: the monopoly for legitimate violence; monopoly to collect taxes; and monopoly to legislate laws of the country (see Brozus, 2011; Ladwig & Rudolph, 2011). With respect to the human factor of state failure, Rotbeg (2004) points out that state failure is largely man made, not accidental. Zartman (1995) suggests that the manmade process of state collapse happens when the balance between a coercive and rewarding function of the state is disrupted in favour of coercion, and the state loses legitimacy and the social contract between the state and its people collapses, which eventually leads to state collapses (see Rousseau ,1993 on the social contract). Similarly, Klare (2004); Zartman (1995) suggest that state failure is usually a prolonged interaction of a number of powerful corrosive factors, including economic stagnation, political and ethnic factionalism, pervasive corruption, decaying national infrastructure, and environmental degradation. Kasfir (2004) suggests that human behaviour such as, anarchy, security dilemma, and predation all combine synergistically to tip a weak state into a failed mode.

The systemic state failure or collapse factor arguments by Rotberg (2004) and Herbst (2004) suggest that the rise and fall of nation-states is not new, but in a modern era when national states constitute the building blocks of world order, the violent disintegration and palpable weakness of selected African, Asian, Oceanic, and Latin American states threaten the very foundation of that system. The weak states in these regions of the world were formed on the foundational demise of the colonial state. Clapham (2003) illustrates the systemic factor by suggesting that the thread to state collapse unsurprisingly arises in those parts of the world in which the preconditions for state formation and maintenance were most uncertain in the first place, and it derives from the relatively recent assumption that the entire world should be divided into states. In this regard, Conrad and Stange (2011) and Clapham (2004) argue that colonial states were set up on the belief that the model of the European state system could simply be applied to the colonies, but the practice on the ground turned out to be very different from the theory.

Risse (2011) suggests that most typologies in the literature datasets on states at risk of failure, reveal a normative orientation towards highly developed and democratic statehood and, thus, toward the Western model. In this context, the state should be understood in terms of Zartman's (1995) definition, namely that the state is the authoritative political institution that is sovereign over a recognised territory, also referred to as Westphalian sovereignty by Risse (2011). Schuppert (2011) argues that the modern state is characterised by three monopolies. These are monopolies on legitimate violence, taxes, and legislation. Cooper (2003) suggests that weakness in the current global state system, such as the inequalities of globalisation under neo-liberalism, privatisation and the growing influence of transnational organisations such as mafia groups are contributing to the state collapse phenomenon (see Moravcsik, 2008; Reno, 1998). Vinci (2009) locates the phenomenon of a state collapse

when he suggests that collapsed and fragmented states cannot be considered theoretically as hierarchical systems, but should rather be considered as an extension of the anarchic system of governance without government closely linked to state failure and state collapse phenomenon.

The Somali state collapse and disintegration is the result of failure regarding the basic functions of the state compounded by global political changes following the end of the Cold War in the 1990s. The changes in the global political system meant that conflicts caused by the Cold War rivalry were reduced, and the Somali conflict was no exception to this global political realignment. The conflict then took an unprecedented turn of events that led the balkanisation of Somalia along with the formation of civil militia groups, these militias are defined by this study as third generation civil militia groups. The third generation civil militia groups have become active in the political and military formations instrumental in both the state failure of the state, collapsed and disintegration of the Somali.

The threat of state collapse unsurprisingly arises in those parts of the world in which the preconditions for state formation and maintenance were most uncertain in the first place, and derives from the relatively recent assumption originating from the Westphalian approach of sovereignty, that the entire world should be divided into states (Clapman, 2003: 263). The literature on failed states include various meanings, and state failure is often used as the basis for discussing whether the international community should override claims of sovereignty by intervening in weak or virtually non-existent states in response to human tragedies caused by their political decline (Kasfir, 200: 57). On the other hand, the international community has been faulted for propping up regimes that would not otherwise survive. Ladwig and Rudolf (2011: 219) point out, though, that under public international law, a subsidiary responsibility of the international community to ensure the minimum standards of good governance has gained recognition in the past two decades. Consequently, the international community is struggling with the concept of the "Responsibility to protect" (R2P) that is intended to

override the Westphalian sovereignty where the protection of vulnerable people is concerned, or in situations of serious human rights abuse by states who are failing to ensure the guarantee of basic human rights, such as the arbitrary execution and other related issues pertaining to the lack of justice and state protection. The international community has not reached consensus on the criterion for intervention, mainly due the conflict with individual state interests in a particular situation. In this context, Evans (2008: 72) observes that there will always be differences of view about how to characterise a particular situation which requires international interventions. Somalia is a classic example of conflicting international involvement that has seen failure of 14 peace processes since the collapse of the Somali state in 1991 thus far.

Therefore, the international system views the issue of human rights abuse as a symptom of state failure. In this regard, the international community uses international organisations, particularly the UN, to prevent and counter human rights violations. The UN'S argument is founded on the liberal theory that assumes that international organisations are the sources of world peace and security (Brozus, 2011: 262). The international community has great difficulty coping with state failure in part because its legal blinders prevent it from recognising the phenomenon of state failure (Herbst, 2004: 302), particularly state disintegration that seems to gain grounds in countries such as Libya, Syria, Iraq and South Sudan.

The terms “collapsed” and “failed” designate the consequences of a process of decay at the nation-state level, where the capacity of those nation- states to perform positively for their citizens has atrophied (Rotberg, 2004: 14). Rotberg (2004) further suggests that failed states are typified by deteriorating or destroyed institutional infrastructure. State failure is a process that leads to citizens turning to warlords and other strong figures who express or activate and mobilise ethnic or clan solidarity, thus offering the possibility of security at a time when all else, including the state itself, is crumbling. According to Rotberg (2004: 14) and Abdullahi (2007: 42), state collapse is a rare and

extreme version of a failed state. Somalia has gone beyond state collapse by experiencing state disintegration.

A state in decline can continue to exercise some degree of authority, however attenuated for as long as its monopoly over the legitimate use of violence goes unchallenged. Once sub-state organisations of a paramilitary nature, ethnic militias, separatist forces, guerrilla groups, warlords and armies begin to form the central government must act swiftly to disarm and dissolve these entities or its control over the state will rapidly evaporate (Klare, 2004: 117). The Somali state has reached a situation where the state has been hijacked by civil militia groups who are not accountable to the general population of that country.

Fundamentally, these civil militia groups can make a strategic choice between the provision of security and the maintenance of peace, but evidence suggests that such groups are likely to have a narrow perspective of security, mainly focussed on a parochial definition of security based on group interests. Conceptually, security is defined in a narrow sense as the absence of threats to a defined social group or more precisely, as a situation in which the means applied with the intention of maintaining protection against a defined group, succeeds in reducing the risk level with respect to existential threats (Chojnacki & Branovic, 2011: 89). The phenomenon of state collapse is generally understood as the breakdown or disintegration of centralised political institutions, the system of authority that underlies them, and the unravelling of the complex relationship between state and society. In cases of extreme state collapse, the very order of society disintegrates (Demetriou, 2003: 106).

Herbst (2004: 308) asserts that the fundamental change in the twentieth century was that the political existence of states was no longer necessarily threatened by obvious failure. There were no longer threatening neighbours that were motivated to take over adjoining territory if problems arose. In the vast majority of instances, annexing a neighbour was not worth it, either in terms of the price that would have to be paid in

men and material or the international opprobrium that would surely follow, as a result, a significant component of the IR theory has little to say about inward state failure, which Risse (2011: 12) refers to as domestic sovereignty. The absence of domestic sovereignty is a point of departure in the legitimacy of a state, particularly in states where the central government cannot provide the common goods.

Therefore, states fail within their existing boundaries, unlike the practice throughout most of European history where state failure was related to annexation by other states. Today, even failed states are safe from formal takeover by their neighbours (Herbst, 2004:309). The 'state sovereignty' concept has undergone some interpretation changes in the recent past, and this is illustrated by Welch and Nye (2011: 203) when they argue that state sovereignty implies responsibility, where the "primary responsibility for the protection of its people lies with the state itself." The conceptual framework of the state failure provided here in this chapter, forms the basis for exploring the theoretical location of the Somali state collapse phenomenon, and also explores the metamorphosis of the Somali state formation in 1960, as well as the collapse and total disintegration in 1991.

2.4 Defining the causes of state failure

The events of the early 1990s state failure in Eastern Europe and the collapse of ideologised tyranny in the Soviet Union and of constitutional racism in South Africa support the hypothesis that authoritarianism is the cause of state failure, and that tyranny, in the end, will destroy its own hard state (Zartman, 1995: 7). While there are clear cases of state failure such as Idi Amin in Uganda, Mengistu Haile Miriam in Ethiopia, Samuel Dore in Liberia, Mobuto Sese Seko in the DRC and Siad Barre in Somalia bear out the hypothesis that the origins of state collapse may be found in tyranny, many other countries such as Ghana, Mozambique, Algeria, and South Africa are regarded to have undergone partial failure according to Zartman (1995). The most prominent characteristic of state collapse is that it is not a short term phenomenon; not a

crisis with a few early warnings; nor simply a matter of a coup or riot. According to Conrand & Stange (2011: 42), the postcolonial African states were modelled on the colonial Eurocentric form of state, though weak, and that the colonial state was essentially a weak state. The argument explains the weaknesses of the early postcolonial states in Africa that were created on the foundation of the colonial states weaknesses. In this context, the Somali state collapse phenomenon can be traced to 1960 when the Somali Republic was created, and the 1969 military *coup* was as a result of state weaknesses.

State collapse is a long term degenerative disease. Moreover, Cooper (2003: 181) contends that the current phenomenon of state collapse can be viewed as an acute manifestation of a more general and contemporary crisis of the state precipitated by the inequalities of globalisation under neo-liberalism, privatisation, the growing influence of transnational organisation and the end of ideology. This may seem an odd comment to make when collapse may be accompanied by competing claims to statehood, when the number of states in the international system have increased and when the international community is expending energy on maintaining states or proto states in places like Bosnia, East Timor, Kosovo and Somalia. The international community could better assist in the resolution of conflicts in these states by channelling their energy in managing the sources of the conflict such as inequality and poverty. Academic research in the changing behaviour of conflicts since the end of the Cold War remains a challenge to modern day international diplomacy, and collaboration with institutions of the state is fundamental in order to develop a cohesive approach to conflict resolution.

Social grievances are not the only causes of intrastate conflict, the grievance are often compounded by the security dilemma, particularly in situations where ethnicity is a factor readily available to be exploited by political leaders. But predation, which accompanies the satisfying of security claims, and interacts systematically with the claims of fear and potential pre-emption, is a parallel cause of the violence that tips a

failing state into failure (Rotberg, 2004: 28). In brief, Kasfir (2004: 59) argues that security dilemma occurs because large number of individuals in every society make decisions about personal security that are contingent on the expectations about the decision of others. This phenomenon is common among Somalis clans given the absence of the state institution to provide common security, compounded by the use of clan differences as instruments of conflict perpetuation by civil militia groups.

The prospect of state failure, as well as state failure itself (that is, the threat or realisation of domestic anarchy) induces individuals to shift their commitments from obeying the authority of the state to smaller groups or organisations. The security dilemma and violent predation are dissimilar processes, but the onset of state failure can trigger either or both. The first concerns the search for safety, while the other involves the attempt to acquire material gain (Kasfir, 2004: 55). Group security concerns in the form of clans are some of the fundamentals perpetuating the Somali conflict, clan security fears are exploited by militia leaders to keep their stranglehold on exploiting what remained of the Somali state and the general exploitation of the population at large.

According to Rotberg (2004: 25), state failure is largely the product of human agency and is not accidental. Cultural clues are relevant, but insufficient to explain persistent leadership flaws. Likewise, institutional fragilities and structural flaws contribute to failure, but those deficiencies usually hark back to decisions or actions of men (rarely women). Rotberg (2004) further suggests that leadership errors across history have destroyed states for personal gain; in the contemporary era, leadership mistakes continue to erode fragile polities in Africa. In effect inexperience and poor political leadership were instrumental in allowing the process of state failure to gain grounds following the creation of the Somali Republic in 1960. In this context, Reno (1998: 21) observes that contemporary rulers who lack capable administrations find markets useful for controlling and disciplining rivals and their supporters. Similarly, intervening in the markets enable rulers to accumulate wealth directly, which is then converted into

political resources they can distribute at their discretion. This predatory behaviour is a critical matter for continued insecurity, and poor leadership usually uses ethnicity as a rallying point to mobilise the society for a civil war. A failed state bears the hallmarks of a fragmented society divided along ethnic, clan and religion lines as observed in Somalia (see chapter three).

State collapse is marked by loss of control over political and economic space by the state, the two effects work in opposite directions. Neighbouring states encroach on the collapsing state's sovereignty by involving themselves in its politics directly and hosting dissident movements who play politics from neighbouring sanctuaries. As a result, the political space-the territory where politics is played-of the collapsing state is broader than its boundaries. On the other hand, its economic space retracts, in two ways: the informal and formal economy. The informal economy tends to take over, overshadowing the formal economy in its transaction and escaping control of the state (Zartman, 1995: 9). The Somali state has lost the capacity to protect its territorial integrity, and incursions into the Somali territory by its neighbours is a matter which keeps on fuelling the conflict in Somalia and the Horn of Africa region.

Thriving of the informal and unregulated economic sector in Somalia is at the main intractability of the conflict, and is the motive for the hijacking of the state and the creation of a militia state along clan patronage. This assertion is confirmed by Crocker *et al.* (2009: 495) who indicate that the avarice of predatory warlords who profit from the political economy of violence through arms sale, smuggling and other illicit commercial practices are factors of intractability. These attribute of intractability is a common features of the Somali conflict, and are driven by militia leaders.

2.5 Concepts of 'ethnicity'

The apparent explosion of ethnic conflict onto the international policy agenda after the end of the Cold War drew a great number of scholars from different disciplinary and methodological persuasions to the study of this phenomenon (Cordell & Wolff, 2010:

25). Among the elusive elements in ethnic conflict theory is an acceptable definition of conflict. Most definitions embody an element of struggle, strife, or collision (Horowitz, 1985: 95). The origins of the term “ethnicity” go back to the Greek word for nation-ethnos. In Ancient Greek, this was used to describe a community of common descent- in other word, ethnos is used to describe a kinship group linked by ties of blood (Wolf, 2006: 33). Most importantly, ethnic conflict is a dispute about political, economic, social, cultural, or territorial issues between two or more ethnic communities (Brown, 2001: 211).

According to Wolff (2010: 01), ethnicity as a conflict phenomenon in international affairs is almost as difficult to understand as it is to define. Horowitz (1985) points out that ethnic conflict is a world-wide phenomenon. Gurr (2001) supports Horowitz’s assertion when he states that at the beginning of 1999 there were fifty-nine armed ethnically-based rebellions under way, at least one of them in every world region. About twenty of these were large scale, such as those in Kashmir, Kosovo, and the eastern DRC. The scholarship on ethnicity is based on two schools of thought: the primordial school and the instrumentalist school. Brown (2001: 211) argues that for primordialists, a sense of peoplehood forms the essence of ethnic identity. Horowitz (1985: 143) further suggests that group allegiances and comparisons are a fundamental aspect of social life. Gurr (2001: 163) explains that ethnic groups usually define themselves in terms of common decent, shared historical experience, and valued cultural traits. According to Wolff (2006: 33), the primordial school of thoughts holds that ethnicity is so deeply ingrained in human history and experience that it cannot be denied that it exists, objectively and subjectively and that it should therefore, be considered a fact of life in the relations between individuals and groups who all have an ethnic identity. In contrast to this view, the instrumentalist school argues that ethnicity is by no means an indisputable historical fact. Rather, instrumentalists suggest that ethnicity is first and foremost a resource in the hands of leaders to mobilise and organise followers in pursuit of other interests, such as physical security,

economic gain, or political power. Brown (2001: 211) states that instrumentalists maintain that ethnic identities are often recent constructs and that they change dramatically with the passage of time. Paul Brass (in Brown, 2001), elaborates that ethnic communities are created and transformed by particular elites in modernising and in post-industrial societies undergoing dramatic social change. Stein (2001: 193) argues that identity conflict is often a competition for ownership of the state and control of its resources.

Vesna Pesic, a professor at the University of Belgrade and a peace activist in the former Yugoslavia (in Lake & Rothchild, 1988: 294) argues that ethnic conflict is caused by the collective fear of the future, lived through the past. Collective fear of the future arises when states lose their ability to arbitrate between groups or provide credible guarantees of protecting groups. Brown (2001: 213) argues that many ethnic conflicts, internal conflicts and civil wars start out as intrastate disputes, but they become regional, interstate crises when outside powers become involved in internal affairs of conflict countries. Brown (2001) further suggests that ethnic diversity does not cause violence; rather ethnicity and violence are joint products of state failure. d'Estree (2009: 151) on the other hand concludes that, however, ethnicity is not the sole causative factor in intractable conflicts.

Clans should be viewed against the backdrop of group identification, serving the same purpose as ethnic groups. Adam (2008: 82) suggests that clannism is the Somali version of ethnicity. Menkhaus (2009: 88) and Menkhaus (2010: 87) indicate that the debate over the treatment of clannism partly reflects a disagreement over whether social science research stands apart from or is inextricably part of the political dynamics it attempts to assess. It is in this context that this study explores the clan identity dynamics within the broader conceptual framework of ethnicity.

There is a specific evolving discourse with regard to the Somali clan identity and the concept of 'ethnicity,' with the argument suggesting that clan identity serves a purpose

that is served by ethnicity in other societies where ethnic identities are more pronounced (see Menkhaus, 2009: 89). Similarly, the ethnic nature of the Somali conflict is a matter that draws diverse views from scholars, yet they agree that the Somali society is homogenous in terms of religion, culture and language (see Brown, 2001: 210; Elmi 2010: 29; Zartman, 1985: 85). Zartman (1998) suggests that the Somali conflict is ethnic in nature, a view that is shared by Adam (2008: 82) who argues that clannism is the Somali version of ethnicity or tribalism. On the other hand, Cassanelli (2003: 14) takes a restrictive definitional view of Somali ethnicity and points out that Somalia's population is more homogeneous than those of most contemporary African states. This view does not address the clan diversity in their current forms and manifestations. In this regard, Lewis (2002) suggests that the Somali society has important social and economic cleavages that are not always readily apparent to outside observers, which may be the matter that evades some scholars of ethnic conflicts with respect to Somali theoretical ethnic location within the broader theory of ethnicity.

Menkhaus (2010: 91) observes that until 1990, Somalia was routinely portrayed as one of the few countries in Africa where the nation and the state were synonymous, an island of ethnic homogeneity in the sea of multi-ethnic states. The role of political clan formations in Somalia should not be underestimated, clan structures have always played a central role in the Somali society, particularly in conflict management and resolution among different clans. Brons (2001: 98) contends that the clan system is considered to be one of the most distinctive features of Somali social organisation and polity. Though the clan system is an integral part of Somali politics, it is by no means complex given the genealogical lineage and patrilineal dynamics. Lewis (1999: 127) observes that Somali politics are founded on implicit value of agnation supplemented by the explicit bonds of contractual agreements among agnates. Instrumentalists were quick to use clan differences because clan affiliation is interwoven with social, economic and political life of the Somali (Brons, 2001). In some cases, Somali

nationalism has concealed clan rivalry and made it difficult for peace makers in the contemporary Somalia to engage groups which are critical in the resolution of the conflict (see Lewis, 2002: 138).

Given the complex nature of the Somali clan political system and its impact on the Somali peace process, this study has integrated the clan identity within the framework of ethnicity for the purpose of analysis of the role of the clan social, political and economic interests in what the study refers to as contemporary the Somali militia state. Ethnic diversity should not be confused with ethnic conflict, having diverse ethnic groups is not necessarily a foundation for conflict. Most ethnic groups, most of the time, pursue their interests peacefully through established political channels. Their relationship is contingent, conflict occurs when political order erodes and politicians forget political organisations in the midst of political conflict (Bates, 2008: 9).

However, when ethnicity is linked to acute social uncertainty, a history of conflict, and fear of what the future might bring, it emerges as one of the major fault lines along which societies fracture, as was so tragically the case in the 1994 Rwanda genocide and a factor in the protracted Somali conflict.

Definitions of ethnicity vary greatly and are hotly disputed among academics as well as among politicians. The definitional chaos that has engulfed the academic study of ethnicity and informed (and at times misinformed) the public and policy debate on ethnicity and its political consequences, may be intriguing in itself, but without a minimum of order it is not helpful to clarify what lies at the heart of ethnicity and if and how its core components relate to ethnic conflict (Wolff, 2006: 33). For example, Brown (2001: 210) disagrees that the conflict in Somalia is ethnic, and suggests that Somalia is the most ethnically homogeneous country in Africa. Equally, Zartman (1998) shares this viewpoint, while Adam (2008: 82) contends that clannism is the Somali version of ethnicity or tribalism, (see chapter three).

Ethnicity can also be located within the broader framework of social identity theories. To this end, Cordel & Wolff (2010: 38) argue that the core assumption of social identity theories is that people strive for a positive social identity. As social identity is derived from the membership of groups, a positive social identity is the outcome of a favourable social comparisons made between the in-group (that is, the group to which one belongs) and other social groups.

As long as membership in a group enhances one's self-esteem, that is, as long as social comparisons remain favourable, one will remain a member of that group. Although, the primordial school holds that ethnicity is so deeply ingrained in human history and experience that it cannot be denied objectively and subjectively that it exists, and that it should therefore be considered a factor in these relations between the individuals and groups who all have an ethnic identity (Wolff, 2006: 33). While Brown (2001: 211) explains that for primordialists, a sense of peoplehood forms the essence of ethnic identity. Ethnicity becomes an expression of basic group identity in that the fundamental group attributes are passed down from one generation to the next. Abdullahi (2007: 48) contextualises the primordial theory by arguing that the theory is based on the premise that group identities – clan, sub-clan or racial – groups – are attributes with which people are either born or that emerge through deep psychological processes. The implication is that these identities cannot be changed and that individual choices are permanently defined by these identities. Accordingly, in a nation of clans like Somalia, when conflicts occur, people revert to and are organised by their primordial attachments.

Similarly, the instrumentalist school argues that ethnicity is by no means an indisputable historical fact. Importantly, instrumentalists suggest that ethnicity is first and foremost, a resource in the hands of leaders to mobilise and organise followers in pursuit of their interests, such as physical security, economic gain or political power (Wolff, 2006: 33; Brown, 2001: 211). 'Ethnicity' and 'nationalism' are not mutually

exclusive concepts. In this regard, Lake and Rothchild (1998: 296), remark that competition for resources typically lies at the heart of ethnic conflict, to support this assumption, they claim that in societies where ethnicity is an important basis for identity, group competition is often formed along ethnic lines. To this end, Horowitz (1985: 306) observes that the tendency to organise political parties along ethnic lines is extremely strong in most deeply divided societies, particularly those in which a few major ethnic groups meet at the national level of politics. In some instances, these ethnic groups have resorted to secessionism as way to create an enclave for self-determination.

Consequently, secessionism is best understood as the political movement of an ethnic group that hopes to succeed in establishing an independent state of its own in the territory in which it lives (Wolff, 2006: 45). In this regard, Horowitz (2002: 231) defines secessionism as separatism that includes ethnic demand for the creation of a separate state within existing state or for broad measure of regional autonomy, short of independence. Lake and Rothchild (1998: 296) conclude, that at the heart of ethnic conflict, is a competition for resources. However, Horowitz (1985: 306) observes that the tendency to organise political parties along ethnic lines is extremely strong in deeply divided societies, particularly those in which a few “major ethnic meet at the national level of politics”. Like ethnicity, secessionism is a tool that is used by political leaders to create their own political base. Similarly, the secession of Somaliland is typically a combination of both the concepts of ethnicity and secessionism, that are instruments to stoke identity based conflict in Somalia.

In contrast with secessionism, irredentism is primarily a state-based movement that seeks to enlarge its own territory by laying claim to territories in neighbouring states, which are normally inhabited by members of the same ethnic group (Wolff, 2006: 45). While Horowitz (2002: 231) attributes irredentism to the ethnic groups’ attraction to a neighbouring country with which it shares the same ethnic identity. The propensity of irredentism is greatly enhanced as the ethnic homogeneity of the retrieving state

increases (Horowitz, 2000: 282). In this context, the irredenta may form part of a generally adventurous, expansionist foreign policy. State failure and collapse has in the case of Somalia resulted in total state disintegration, a phenomenon which is peculiar in this instance, and is the direct result of intractable civil war.

2.6 The concept of ‘an intractable conflict’

For the purpose of this study, the descriptive definition of the complex nature of intractable conflicts will be explored using the Somali conflict as a case study. The Somali conflict has the attributes of intractable conflict, and analysis of the conflict is based on this assumption. Historically, the realist paradigm has been the dominant perspective for the study of war and peace in the discipline of history, politics and international affairs. Essentially, a political metaphor, realists view protracted conflicts as dangerous, high-stake games that are won through strategies of domination, control and counter-control. Crocker, Hampson and Aall (2009: 493) define intractable conflicts as conflicts that generally tend to experience episodic but recurring bouts and violence and appear to be highly resistant- though not necessarily impossible- to resolve through a process of negotiated settlement or peace-making. This type of conflict is differentiated by three dimensions (Coleman, 2006: 534): they are destructive; they are persistent and they are resistant to resolution through peaceful processes as reflected in the above definitions of intractable conflict. (Coleman, 2006: 542) intractable conflicts (also known as “protracted social conflicts” “moral conflicts” or enduring rivalries conflicts) persist for a long period and resist all attempts aimed at constructive resolution, and can appear to take a life of their own. While Azar’s 1978 definition of protracted social conflicts (PSCs) (in d’Estree, 2009: 150) as a mixture of socio - ethnic and interstate elements that defy traditional settlement methods, and generate escalating perceptions and behaviours. Further states that because crises are managed to restore the status quo and to keep conflict at only a moderate level of intensity, the conflicts take on an inertial or even a “frozen “quality, and remain unresolved despite repeated attempts to achieve a resolution.

Ramsbotham *et al.* (2011: 100) observes that there has been a tendency to focus on overt and violent conflict while ignoring covert, latent or non-violent conflict and on an approach to conflict dynamics in terms of conflict cycles in which the termination of violent acts is often equated with the state of peace. Crocker *et al.* (2009) also observe that even if the violence is on the decline or has disappeared completely, intractable conflicts may exist in a suspended state of animation because they refuse to yield to negotiated efforts to secure a more lasting settlement. This process of conflict behaviour is also referred to as conflict in abeyance by scholars such as Wolff (2006) and Mayer (2000).

Furthermore, even if violence is on the decline or even if it has disappeared completely, an intractable conflict may exist in a suspended state of animation because of the refusal to yield to negotiated efforts to secure a more lasting political settlement, these kinds of conflicts are referred to as “frozen” or abeyant intractable conflicts – this means that the potential for a renewed outbreak of violence exists (Crocker *et al.*, 2009: 492). The Somali conflict has shown the tendencies of a frozen conflict, which peacemakers have often mistaken it to mean that the conflict has been resolved, thus, they are often surprised by resurgence of the conflict at a later stage.

The current conflict situation in Somalia can be viewed within the context of a “frozen” conflict because the issues that led to the conflict have not been resolved and parties to the conflict reside in the same country, although they have balkanised the country along militia controls affiliated to clans and the dominant militia groups in control of Mogadishu and other economically viable parts of the country. The current government of Hassan Sheikh Mohamud protected by the AU has no control of the entire capital city, and would not survive without the Habr Gidir clan militia patronage. The militia stranglehold on Mogadishu and the “frozen” nature of the conflict were acknowledged by Perry (2013: 14) who indicates that Al-Shabaab was forced to retreat by AMISOM forces, yet there is no accounting of what happened to the Al-Shabaab forces in

Mogadishu. Al-Shabaab has recently conducted military operation in Mogadishu with impunity and in some instances, they have conducted cross-border operations in Kenya and Uganda with some level of military precision. Consequently, there is no military solution to the Somali conflict resolution process, the Somali conflict has just gone through some periodic abeyance, which can be deceptive and gives the impression that it has been resolved.

In 1981, Azar and Farah (in d'Estree, 2009: 150) add that the PSCs represent deep-seated religious, racial and ethnic animosities and these conflicts must be set apart from those not involving group identities. Azar and Farah again suggest that "ethnicity is not the sole causative factor in these conflicts," structural inequalities and power differences, particularly when these in turn, the result in differential distribution of rewards among groups in the society. Similarly, Coleman (2006: 534) also adds that intractable conflicts occur regularly in situations where a severe imbalance of power exists between the parties in which the more powerful exploit, control or abuse the less powerful. In such situations, the power holder will often use the existence of salient inter-group distinctions such as ethnicity, class, race and gender to hold on to power. Many of these conflicts are rooted in a history of colonialism, ethnocentrism, racism, sexism or human rights abuses in the relations between disputants. They are conflicts where the main targets are women, children and the defenceless segment of the population and the security establishment of the state (Crocker *et al.*, 2009: 492).

Scholars agree that the sources of intractability are not the same as the original causes of the conflict. No matter which issues caused the initial conflict, a number of other elements will play a part in augmenting or even supplanting the original disputes (Coleman, 2006: 534; Crocker *et al.*, 2009: 495, 496). Coleman (2006) contends that the avarice of predatory warlords who profit from the political economy of violence through arms sales, smuggling and other illicit commercial practices, and transactions is another important factor in intractable conflict settings. In this regard, the emergence of

civil militias in Somalia is a testimony to this argument and will be discussed in chapter four. According to Deutsch (2006: 43) oppression is the main cause of conflicts, and he defines oppression as the experience of repeated, widespread, and systematic injustice. To this end, civilized oppression is embedded in unquestioned norms, habits and symbols in the assumption underlying institutions, rules and the collective consequences of following those rules. In this context, the original causes of the Somali conflict were related to the Siad Barre oppressive rule, but the conflict has endured during the post Siad Barre rule in Somalia, confirming the argument that the causes of intractable conflicts assumes a different guise from the original causes.

According to Dweck and Ehrlinger (2006: 317), prejudice is at the root of many intractable conflicts. Whether prejudice was born out of the dispute or existed before and contributed to the dispute, exaggerated beliefs about the character and motives of the other party often make reconciliation extremely difficult to achieve. Intractable conflicts are often extremely difficult to resolve, and Somalia is a testimony to this assumption. Mediation is fundamental in the resolution of such conflicts, but there are clear structured approaches to be followed in order for mediation to succeed. Similarly, disputants should be willing to peacefully negotiate the resolution of their differences peacefully. Selected approaches to mediation and negotiation are hereunder defined.

2.7 Negotiation: Definitions and approaches

According to Mayer (2000: 142) negotiation is an interaction in which people try to meet their need or accomplish their goal by reaching an agreement with others who are trying to get their own needs met. Zartman (2008: 35) observes that negotiation has been defined in many ways, but most of the definitions contain common components. Zartman (2002a: 71) define a negotiation as a process by means of which contending parties come to an agreement, Zartman (2002b: 351) again, defines negotiation as a process of exchanging concessions. Zartman (2009) further defines negotiation as the process of combining conflicting positions into joint agreement, and is synonymous

with conflict resolution and is the most common way of preventing, managing, resolving, and transforming conflicts. In turn, Dupont and Faure (2002) define negotiation activity as a series of sequences during which negotiators propose joint strategies, presenting demands and offers, proposals and counterproposals, tending typically to converge as a result of an exchange of concessions. Kremenyuk (2002) defines negotiation as an array of loosely tied autonomous situations in which sovereign partners meet to find a joint and mutually acceptable solution to a dispute. Zartman (2008)

Negotiation is a complex process which includes disputants with different interests in the conflict, and conflicting interests in most cases. The Somali negotiation process forms the basis of this study, consequently, for the negotiation process to succeed there are some fundamental basics that requires investigation, such as understanding the parties to the negotiation; their declared and undeclared interests in the negotiation. However, negotiation takes place between cooperative antagonists, who must often discover for themselves the potential for creating the value and thus making joint gains for themselves (Khan, 2002: 170). Zartman (2009: 322) defines negotiation as the process of combining conflicting positions into a joint agreement; this definition is synonymous with conflict resolution, and is the most common (although not the only) approach to preventing, managing, resolving and transforming conflicts. Negotiation is what diplomacy traditionally has always been about finding accommodation among intrinsically self-interested parties (Eban, in Spector, 1999: 310). Richelieu (1961) suggests that diplomacy is continuous negotiations, and are innocuous remedies which never do harm. Jonsson & Aggestam (2009: 34) argue that diplomacy has always been an integral approach to conflict resolution and often seen as the antithesis of war. Similarly, Berridge (2001: 01) and Hamilton & Langhorne (1995: 01) suggest that diplomacy is a peaceful conduct of relations among political entities and is antithesis of war, hence war is seen as the failure of diplomacy. Khan (2002) observe that the

central element in these definitions of negotiation is the assumption of interdependence of interests of negotiating parties.

Mayer (2000) attributes failure of the negotiation to what he calls the negotiators' dilemma, and identifies it as process where the negotiators protect their interests while developing cooperative relationships. The scholarship on negotiation, though vary around the coercive and persuasive negotiations. Ledgerwood *et al.* (2001: 455) argue that coercive negotiation involves influence designed to change people's behaviour (with little regard for whether they have actually changed their minds); whereas persuasion negotiation, involves influence designed to change people's minds.

The other school of thought in the literature deals more with conditions the conducive to negotiations. In this context, Zartman (1983) attributes successful negotiation to the ripeness of the conflict for resolution. Disputants should have reached a plateau, and the only way out is through a mutually accepted negotiated settlement of the conflict. The conflict should similarly create the mutually hurting stalemate, thus pave the way for the emergence of the best alternative to conflict as the viable option out of the conflict situation. Albin (1999: 260) suggests that parties' negotiation behaviour, such as readiness to make concessions and accept a particular deal is based on the calculation of its relative strength vis-à-vis the other side. Ideally, Zartman's theory suggests that there should be power symmetry within disputants in order to create this mutually hurting stalemate, similarly, Albin (1999) argues that it is a consensus view that power equality facilitates the negotiation of just and fair agreements, and that such agreements are more likely to be implemented and durable. Zartman (1983) avers that a key element of bargaining power is certainly the value of a party's BATNA. The higher that value the less dependent the party is on reaching an agreement and the more it can afford to concede little, take the risk and wait for the other side to concede more. According to Druckman (2002: 326), a major factor affecting the asymmetry of negotiation outcomes is power differentials. These differences consist in absolute terms

of state capabilities and relational terms of influence, and they are translated into the negotiation process through the role of negotiation tactics. Zartman (2008) emphasises the negotiation playing field should be level in order to ensure the entrenchment of the basic principle of symmetry in the negotiation process, meaning that disputants should be equal, that is, each should have a veto right regarding the process.

International negotiations are challenged by the complications resulting from the concepts of 'justice' and 'fairness.' In this context, Albin (1999: 257) suggests that the study of justice and fairness in international negotiation is relatively new and requires more debate (see Deutch, 2006, on justice and conflict). Complications with regard to these concepts are sometimes the result of seemingly insoluble questions and entrench parties in deeply confrontational positions and thus become serious obstacles to effective bargaining. This trend is more pronounced in negotiation processes in Africa, where before the human right activists demand the prosecution of those involved in the human rights abuses during the conflict before a negotiation settlement is reached. Sebenius (2002: 229) suggests that this kind of behaviour, and the thread of force may also provoke the escalation of conflict.

Ramsbotham *et al.* (2005: 236) contend that neither the concept of 'peace' nor that of 'justice' are monolithic as is often suggested. The peace and justice approach has generated discourse among those who are involved in the negotiation process and those who have adopted a legalistic approach to the issue of justice and fairness in the negotiation process. Accordingly, the International Criminal Court (ICC) stands ready to prosecute those who are alleged to have committed war crimes, even before the negotiations are concluded. Spector (1999: 309) suggests that when one side to the conflict has been elevated to the role of villain, demon, rogue, or pariah, policy generally dictates that negotiation is not a valid conflict-resolution option. To resolve this *impasse*, Mayer (2009: 170) argues that disputants involved in intractable conflicts need to find a steady and strategic response that coaxes others into a steady and

constructive approach to the use of power, one that is not impulsive or simply focussed on immediate advantages.

Describing the attributes of a negotiator, De Callieres (2000: 12) maintains that the negotiator must possess a penetrating mind which enables him to discover the thoughts of men and to know by the least movement of their countenances what passions are stirring within, for such emotions are often betrayed even by the most practiced negotiator.

Negotiation creates a positive-sum outcome, in that no party would agree to the outcome unless it feels itself to be better off than without an agreement. Thus, negotiation involves an exchange of goods rather than a unilateral victory: negotiation is giving something to get something, so it involves moves by both/all sides; although not necessarily to an equal degree (Zartman, 2009: 324). Mayer (2000: 142) defines negotiation as “an interaction in which people try to meet their needs or accomplish their goals by reaching an agreement with others who are trying to get their own needs met.” The principle fundamental for a successful negotiation identified in this study was the least of the mediation preoccupation during the negotiation process in Somalia (see chapter five).

The negotiation process operates under a loose bundle of norms that can be termed the “ethos of equality”. Like many norms, this ethos is not absolute, but it does underlie the conduct of negotiations around the world. It begins with the formal structural equity of parties, based on the fact that each party has a veto over any agreement; therefore, the parties need to grant each other recognition with equal standing in the negotiations (Zartman, 2009: 324). The Somali negotiation process took place under the conditions of fear and intimidation by third generation militia groups who have balkanised the country into spheres of political influence and control. There should have been an effort to create conditions conducive to negotiations before embarking on the actual negotiations, and level the playing fields for all the participants in the peace process.

However, the negotiator's dilemma is always omnipresent as the question arises as to how negotiators can protect their interests while developing cooperative relationships? This is the negotiator's dilemma (Mayer, 2000: 145). The concept of 'interdependence' is crucial when evaluating the negotiator's dilemma, in this context, Deutsch (2006: 24) argues that two basic types of goals are linked in such a way that the amount of probability of a person's goal attainment is positively correlated with the amount of probability of another obtaining his goal and negative (where the goals are linked in such a way that the amount or probability of goal attainment is negatively correlated with the amount of probability of others' goal attainment).

Therefore, power is not all in determining the outcome of negotiation. If it were, the structural dilemma whereby the weak negotiates with the strong and gain a favourable (even asymmetrically favourable) outcome would not exist (Zartman, 1999: 290). Similarly, Albin (1999: 259) adds that it is a consensual view that power equality facilitates the negotiation of just and fair agreements, and that such agreements are more likely to be implemented and durable. The simplest model in negotiation is symmetry or equality. There is a basic symmetry in any negotiation situation in that both parties have the power to veto the agreement (Zartman, 2002a: 72). The Somali peace process lacked this critical attribute of symmetrical power relations during the negotiation phase, hence there was no desire to compromise by those who thought they had an upper hand in the negotiations. This was apparent when the author was asked to mediate between the factions of Abdullahi Yusuf Ahmed and that of Mohammed Quanyere in Eldorret during the initial stage of the Mbagathi Peace Conference (2004).

2.8 Mediation: Definitions and approaches

The scholarship on mediation makes some critical observations in the definition of mediation, in this regard, Moore (2003: 08) argues that mediation is an extension or elaboration of the negotiation process that involves the intervention of an acceptable third party who has limited or no authoritative decision-making powers, similarly, as

with negotiations, mediation leaves the decision-making power primarily in the hands of the parties involved in the conflict. Accordingly, Zartman (2009: 322) states that negotiation is the process of combining conflicting positions into a joint agreement, which is synonymous with conflict resolution and is the most common (although not the only) way of preventing, managing, resolving, or transforming conflict. The study of mediation has become a separate discipline within peace studies. In this regard, a growing body literature dealing with a broad range of aspects and issues related to mediation approaches is divided into three categories. First, the definitions of mediation; second, types of mediation; and the functions of mediation.

Mayer (2000: 191), Mayer (2004:82), Zartman (2008: 155) and Crocker *et al.* (2009: 496) define mediation as an approach to conflict resolution in which a third party helps disputants arrive at a resolution to the conflict. The functions of mediation have evolved with time, in this regard, Ramsbotham *et al.* (2011: 180) observe that the field of international mediation has included a variety of agencies in the recent past, such as international organisations, states, non-governmental organisations (NGOs), individuals, political leaders, elites and grassroots structures. These groups employ different instruments in their mediation engagements, ranging from soft power to coercive power. In turn, Bercovitch (2009: 343) defines mediation as a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer to assist from, an organisation, a group, or a state to change their perceptions or behaviour, and to do so without resorting to physical force by invoking the authority of law. Therefore, mediation is, at least structurally, the continuation of negotiations by other means. Mediation is also defined as a political process with no advance commitment from the parties to accept the mediator's ideas. In this respect, it differs from arbitration, which employs judicial procedures and issues a verdict that the parties have committed themselves beforehand to accept (Touval & Zartman, 2001: 427).

Mediation is generally defined as the intervention in a negotiation or a conflict by an acceptable third party who has limited or no authoritative decision-making power and who assists the involved parties to reach a mutually acceptable settlement of the issues in dispute voluntarily (Moore, 2003: 15). Similarly, Zartman (2008: 155) describes mediation as a form of third-party intervention in a conflict and states that it differs from other forms of third-party intervention in conflicts in that it is not based on the direct use of force and it is not aimed at helping one of the participants to win. Its purpose is to bring the parties to a settlement that is acceptable to both sides and consistent with the third-party's interest in the resolution of the conflict. Mediation is essentially a dialogue or negotiation with the involvement of a third-party (Moore, 2003: 16).

According to Moore (2003:20) the field of mediation has a long and varied history in almost all cultures of the world. Moore (2003) adds that "Jewish, Christian, Islamic, Hindu, Buddhist, Confucian, and many indigenous cultures all have extensive and effective traditions of mediation practice." Mayer (2004: 87) argues that mediation demands a commitment of time, emotional energy, intellectual efforts, and financial resources. Hence, these demands of mediation have facilitated a broader stakeholder engagement in the mediation field, which has facilitated success and challenges in some instances. The intellectual capacity of the mediator is fundamental when diagnosing underlying causes of the conflict, because causes are often obscured and clouded by dynamics of the parties' interactions. According to Mayer (2000) mediation is viewed as a central tool of peaceful conflict resolution. The use of mediation has grown significantly in many countries and cultures, to this end, mediation is used in both traditional and modern African societies, with practice varying from tribe to tribe and region to region (see Moore, 2003: 23&38).

Though coercive mediation remains an option in the process of conflict resolution, the approach has its own limitations. Mayer (2004), Ramsbotham *et al.* (2011) and Crocker

et al. (2009) suggest that mediators change the structure of the conflict when they bring pressure to bear on any party to the conflict and they become actors in the conflict. Hampson (2001:389) observes that hard realists see coercive force and balance of power as a key tool in the resolution of ethnic and intercommunal disputes. The above mentioned scholars observe that, generally, mediators with coercive force are powerful states, and are engaged in mediation in pursuit of a national or foreign policy interests. Touval and Zartman (2001: 428); Zartman (2008: 163); and Bercovitch (2009: 344) also see mediation by states in conflict situations as an instrument of diplomacy and foreign policy projection and advancement. They conclude that states fundamentally engage in mediation to advance their foreign policy objectives.

Some of the causes of mediation failure can be attributed to passive, active or institutional rejection, even when there is an expectation that mediation will be used, disputants often find ways to bypass it (see Mayer, 2004). Crocker *et al.* (2009) suggest that the failure of disputants to reach consensus on the determination of the mediator, and the propensity to impose one may become a factor leading to mediation failure. There have been practical situations where mediation is imposed by countries of the region, such as the mediation of Nigeria in the Ivory Coast conflict in 2010, which prolongs the process of a mediated settlement of the conflict. Zartman (1989) suggests that when disputants show an unwillingness to accept mediation it means that the conflict is not yet ripe for mediation and there is no mutually hurting stalemate in the conflict, which is a fundamental basis for creation of the best alternative to conflict.

The scholarship on mediation states that that is a third party intervention process of peaceful resolution of the conflict, and should be applied diligently without abuse by the mediator to support a particular party in the conflict in order to ensure sustainable success. In this context, Mayer (2000: 217) argues that mediation is aimed at helping disputants arrive at a mutually acceptable outcome or settlement of the issues of concern and that the mediators “have an interest in the resolution of the conflict”

otherwise, they would not be involved in the mediation process. Mayer (2009) points out that the fundamental function of the mediator is not to force parties to take a long-term view, but rather to encourage people to think about the long-term ramifications of their immediate decisions. Touval & Zartman (2001), Zartman (2002b), Moore (2003), Mayer (2004), Zartman (2008), Bercovitch (2009) and Mayer (2009) advise that mediators should similarly avoid the temptation to engage or state their preferences on substantive issues that may create the impression of advancing the interests of one party to the detriment of the other.

Regarding the peculiar nature of the Somali mediation processes Lewis (2005: 302), Elmi and Barisse (2006: 39, 302) and Rutherford (2008: 11, 16 & 22) are critical of the involvement of neighbouring countries in the mediation process, particularly the involvements of Ethiopia, Eritrea and Kenya. Moore (2003: 51) describes such mediators as vested-interest mediators because they have both procedural and substantive interests in the outcome of the conflict. Fundamentally, Mayer (2004: 82) argues that mediators should not be oblivious of the plight of people affected by the conflict and he is similarly critical of the notion of neutrality in the conflict. However, he suggests that mediators should be impartial regarding issues related to how to resolve the conflict. Undoubtedly, the ability to assist people in the conflict can therefore be seriously constrained by the mediator's neutral role.

According to Moore (2003: 78), there are two schools of thought in mediation: one argues that mediators should focus primarily on the process of negotiations and regard substantive content as the exclusive domain of parties to the conflict. Mayer (2004: 85) supports this school of thought when he argues that mediators conduct a process to assist people in communicating about the issues that are of concern to them. They do not focus on the substance of the issues alone (although the role mediation plays with regard to substance may vary considerably). The neoliberal state-building approach to conflict resolution is one such substantive issue that is not raised and

declared upfront by the mediator in the conflict resolution process. Richmond (2010) suggests that the state-building approach to conflict resolution is focussed on the role of external actors, agencies and intergovernmental organisations in building liberal institutions for security, democracy and markets and creating basic infrastructure. In this context, Heathershaw (2008) suggests that the target of state-building is the failed state. Richmond (2013) argues that many state-building exercises have relapsed into violence (Iraq, Afghanistan, East Timor and Kosovo) or have threatened to do so (Sierra-Leon, Liberia, Guatemala and Cambodia. Richmond (2013) further contends that the state-building approach fails to connect with the local populations.

According to Richmond (2010: 3) the state-building approach has become the aim even as contemporary international relations (IR) has problematised the state, sovereignty, embedded liberalism and the international system itself. The most marginalised, the individual, community, kinship, agency and context have been subsumed. At best, they are only recognised rhetorically. Cox (1986) remarks that a controlling social force in the country is typically what has been called the “state class,” a combination of party, bureaucratic and military personnel and union leaders, mostly petty-bourgeois in origin, that controls the state apparatus in the country.

Moore (2003: 79) indicates that the other school of thought avers that although the mediator is impartial and neutral, this does not mean that he or she should not work with the parties on substantive matters to develop a fair and just decision (fair and just as understood by the mediator). Bercovitch (2009: 352) suggests that the fairness of the mediation is not easy to demonstrate, but it is undoubtedly the consequences of successful mediation. Bercovitch further suggests that fairness in mediation remains subjective because it depends on the perceptions of parties to the conflict. Bercovitch (2009) adds that too often, it seems that success or failure is assumed, postulated or defined on a case- by- case basis, and usually in an arbitrary and poorly reasoned manner.

Mediators are players in the plot of relations surrounding a conflict, and so they have an interest in its outcome; otherwise, they would not mediate (Zartman, 2008: 156). While Mayer (2004: 85) argues that the essence of mediation is that mediators do not see their job as trying to promote one person or group's interests at the expense of another; mediators conduct a process to assist people in communicating about the issues that are of concern to them; mediators do not simply try to decide what the law dictates; they endeavour to help solve the problem that underlie the conflict. Often, but not always, this means taking an integrative or interest –based approach; and the mediators' goal is to attain a solution that the disputants will accept rather than to impose one on them. According to Zartman (2008: 163) mediators must be perceived as having an interest in achieving an outcome acceptable to both sides and as being not so partial as to preclude such an achievement. Since mediators are motivated by their self-interests, they will not intervene automatically, but only when they believe a conflict threatens their interests or when they perceive an opportunity to advance their interests. The mediators in the Somali conflict had parochial interests that were in conflict with those of warring parties in the dispute, which then compromised the process outcome. For instance, the proxy war between Ethiopia and Eritrea complicated and compromised the mediation efforts to find a sustainable peaceful solution to the Somali conflict.

For mediation to succeed, Zartman (2008: 164) argues that two conditions are especially conducive to re-evaluation of policies by parties: a MHS and crises bound by a deadline or, to use a metaphor, plateaus and precipices. Zartman (2008) further remarks that a mutually hurting stalemate begins when one side realises that it is unable to achieve its aims, resolve the problem, or win the conflict by itself; it is completed when the other side reaches a similar conclusion. Both sides must see this plateau not as a momentary resting ground, but as a flat, unpleasant terrain stretching into the future, providing no later possibilities for a decisive escalation or graceful escape. The stalemate must be seen as tight and hurting, reinforced by additional sticks if necessary, and a way out

must first be perceived as possible and then developed as an attractive reality (Zartman, 2002b: 354).

Touval and Zartman (2001:428) contend that states use mediation as a foreign policy instrument. Their intervention as mediators is legitimised by the goal of conflict reduction, which they typically proclaim. The desire to make peace, however, is intertwined with other motives best described within the context of power politics. According to Mayer (2004: 87), mediation demands a commitment of time, emotional energy, intellectual effort, and financial resources. It also requires a willingness to take risks and accept responsibility for searching for acceptable solutions. Most important of all, it requires that people own up to the fact that a conflict exists and they must face it.

Zartman (2008: 167) explains that a mediator has six sources of leverage: first, persuasion, “the ability to portray an alternative future as more favourable” than the continuing conflict; second, extraction, the ability to produce an attractive position from each party; third, termination, the ability to withdraw from the mediation; fourth, limitation, the ability to block other alternatives; fifth, deprivation, the ability to withhold resources from one side or to shift them to the other; and sixth, gratification, the ability to add resources to the outcome. In every case, the effectiveness of the mediator’s leverage lies with the parties themselves, a characteristic that makes leverage in mediation difficult to achieve.

For a mediator to be effective, he or she needs to be able to analyse and assess critical situations and design effective interventions to address the causes of the conflict. However, conflicts do not come in neat packages with their causes and component parts labelled so that the intervener will know how to respond to them creatively. The causes are often obscured and clouded by the dynamics of the parties’ interactions (Moore 2003: 61). Chapter five of this study explores the mediation process in Somalia with a particular focus on selected peace processes since the collapse and disintegration

of the Somali state in 1991. The mediation approaches identified in this chapter form the basis for analysing the causes of mediation failure of these selected peace processes.

Since 1991, mediation of the Somali peace process focussed on bringing civil militia groups to the negotiation table, mainly due to the fact that the civil war has been driven by these groups, in most cases supported by their clansmen. Warlords and civil militias are often a product of state failure, and bi-products of intractable conflicts. Failure of international diplomacy in the Somali conflict mediation has seen the evolution of generational militia groups into the field of conflict resolution in general, and Somalia, in particular. To this end, the “third generation civil militia groups” concept may become useful in the analysis of emerging pattern of militia groups in Libya and Iraq who are confronted by a similar pattern of militia phenomenon like those in Somalia. Definition of these groups and the basis of their emergence are explored in the following section.

2.9 The civil militia phenomenon

Francis (2005) and Yoroms (2005) argue that the term “militia” has a Latin origin meaning ‘soldiery’, from the word “miles” meaning soldier. The term has evolved over time to mean an auxiliary or reserve military force. Bristow (in Yoroms, 2011) classifies militias under public as well as private organisations. He notes that legitimate militia units are essentially public in character and well-regulated under state discipline. According to Thorning (2005: 89), civil militia groups are also referred to as neighbourhood watch or vigilante groups. In effect, militia groups have become an integral part of the Westphalian state system and they perform different functions. A popular definition of civil militia presents the view that it is men between the ages of sixteen and sixty who perform occasional mandatory military service to protect their country, colony or state. However, it also refers to armed and trained bands of locals who could arm themselves on short notice for their own defence (Francis 2005: 1; Yoroms 2005: 33). Vinci (2009: 74) argues that in most cases, militias exist on a

continuum with a mixture of clan and personal loyalty. However, in extreme cases such as in the case of Somalia, a war leader completely monopolises the loyalty of fighters and uses the militia for non-clan based ambitions, and Vinci (2009) defines such men as warlords.

Duvenger (in Francis, 2005) defines a militia group as a kind of private army whose members are enrolled on military lines, are subjected to the same discipline and the same training as soldiers, and like soldiers, wearing uniforms and badges, ready like them to meet the enemy with weapons in physical combat. But these members remain civilians, in general, they are not permanently mobilised nor maintained by the organisation, they are simply obliged to meet and drill frequently. Conceptually, the historiography of militia could be placed within the framework of the theory of social contract and the formation of the state system. In this regard, Yoroms (2005: 31) mentions that Thomas Hobbes and Hugo Grotius believed that insecurity in the state of nature that compels man to seek security in social organisations where individuals give up their partial freedom for the secured freedom provided by the state.

Francis (2005: 3) explains that the terms “ethnic militia,” “armed vigilante group,” “religious militia,” “civil defence force” and “separatist militia” have been used to describe the phenomenon of civil militias in Africa. These labels are unhelpful because they do not reflect the origins of and motivation or rationale for their creation, nor their modes of operation, activities and socio-political objectives. Yoroms (2005: 32) claims that the theory of social contract, therefore, is taken as a security contract. Hence, the sovereign state is empowered to defend, protect and provide for its citizens. The state uses the services of civil militias to perform its function of protecting its citizens, and details of militia formations are later explored in this chapter, including militia groups that are challenging the state’s monopoly regarding the use of force.

The concept of ‘civil militia’ is not necessarily a threat to the state monopoly on the use of violence, depending on the purpose and creation of a particular militia group as we

shall later explore in this chapter. It is in this light, that from the Weberian theory, the state is endowed with the legitimate monopoly of coercion, to police society impartially. (See also, Rotberg, 2006: 6; Francis, 2011: 1; Schuppert, 2011: 65; Zartman, 1995: 5).

In the state system, the military force is seen in a more structured form in terms of legal and permanent regulatory measures as a security organ of state, while the militia is seen either as a state subsidiary force or a private organisation (Yoroms, 2005: 33). It is important to recognise that the state, as it has come to exist and operate in post-colonial Africa, is different from the conventional Western-centric understanding modelled along traditional Westphalian sovereignty (Francis, 2005: 7). Somalia is a country where the fundamentals of the state are non-existent, such as those defined within the concept of a 'social contract' between the state and the general public in a country. In this context, Somalia is a country under control of civil militia groups, defined in this study as a third generation of militia groups emerging out of the failed, collapsed and disintegrated state in 1991.

In this context, post-colonial states in Africa are sets of entities or institutions struggling for survival in the international system. Nearly six decades after independence, state formation and state-building remain problematic in Africa. Yoroms (2005: 34) identifies three theoretical constructs of what constitute militia groups and these are the state-centric militia theory, the non-state actor theory and the fluid theory of militia. State failure is the main cause of the transformation of state-centric militia group, which leads to the emergence of the other two types of militia groups, which are positioned as the second generation civil militias and are more prevalent in Africa where the creation of the Westphalian state sovereignty was weak from inception. Yoroms (2011) identifies three broad theoretical categories of militia groups. The state-centric theory, the non-state theory and the fluid theory. He suggests that there are first generation and second generation concepts of civil militias within the state-centric level. The first generation civil militia operates in strong and viable

states, while the second generation operates in failed states. Fluid militias cannot be identified categorically in terms of membership and affiliation only and they emerge “as a result of the social and economic conflagration in a state.

The non-state militia groups are categorised into two groups. First, we have those that are guaranteed to perform some functions by the state as defined by the existence of the state. These include political party militia and other volunteer groups. The other category is that of private militia groups whose intention is to protect the *status quo*, and are not seen as a threat to the state. There is then a new phenomenon of civil militia groups, the type found in Somalia that controls the state, commonly referred to as factional militia groups. Vinci (2009) argues that factional militia are the most prominent type of Somali armed groups. These militias are formed along clan lines and within the clan structure. They represent the clan’s political aspirations and defend its territory. The faction and clan together represent the political community.

The traditional or first generation understanding of civil militias has several limitations when applied to the context of complex political emergencies and conflict-prone and weak states in Africa and other developing regions of the world (Francis, 2005: 2). The first generation militia group functions optimally in situations where governance systems are strong, and there checks and balances in the system to avoid the abuse for partisan political purposes. Therefore, the second generation militia groups are associated with weak states, while the third generation militias are associated with failed, collapsed and disintegrated states.

2.9.1 State-centric theory of militias

There are two levels with regard to understanding the state-centric theory of militias. These are the ‘first generation’ and ‘second generation’ concepts of ‘civil militias.’ The first generation operates in strong and viable states. The second concept operates as a challenge to the state failure to meet the expectation that led to the struggle against colonial rule (Yoroms, 2005: 34), Yoroms further notes that the second generation

militias operate at the level of non-state actors (NSA). They could manifest as some guerrilla and terrorist or mercenary-militia attributes.

The character of the state as a legitimate authority specifically determines the state-centric theory of militias over a given territorial entity. The centrality of this theoretical variable posits that militias emerge either as a result of increasing the inability of a regular professional military force to cope with the ebbing social problems in the society. Or it could also be an attempt to complement the effort of the state military force in the time of wars, disasters, emergencies and related civil police actions among other contending social phenomenal (Yoroms, 2005: 34).

Both the first and second generation definitions and conceptualisation of militia groups illustrate a public-private continuum. Legitimate militias are public institutions regulated by and under the control of the state (Francis, 2005: 3). Lise and Beisheim (2011: 116) point out that much of the literature on governance and private actors assumes that public-private partnerships (PPPs) increase the effectiveness of both purely public and purely private governance, because they pool the resources of different actors, allow burden-sharing, and lead to win-win situations. The basic assumption here is that the private sector can bring in material resources and knowledge that the public actors lack, while the public sector brings legitimacy.

However, thin lines separate the state centric-theory from the 'governmentarian' concept of militias. A government, other than the state, can create a militia outfit to defend the interest and stability of the regime, beyond the interest of the state. Sometimes, it is assumed that state militia could be taken as government militias (Yoroms, 2005: 35) The two are however, distinct, but sometimes overlapping, given the symbolic nature of their symbiosis, At times, the state may not require a militia but the government under threat may create one for the purpose of regime stability. Civil militias, however, are only accountable to their interest groups, therefore they raise serious question relating to accountability and transparency (Francis, 2005: 20).

When the state is placed in a precarious position to cope with the best approach to exercise its legitimate use of force, and the state increasingly becomes culpable in the exercise of the use of force (Yoroms, 2005: 36), this situation, is a conducive environment for the emergence of the second generations militias groups. This is because; the decision-making processes of the government are no longer effective; the rule of law is no longer relevant because they cannot be preserved in the absence of social cohesion in the society. Territorially, the state cannot assure the population of its security because the political institutions have lost the legitimacy to command and conduct public security and the state is no longer the target of the demand as the supply of security by the state has become ineffective (Yoroms, 2005: 36), under these circumstances, what emerges is what (Yoroms, 2005) defines as second generation militias.

2.9.2 Non -state militia theory

The non-state militia theory is defined by the fact that it is fundamentally a non-statutory force. In this regard, Yoroms (2005: 37) argues that non-state militia actors, also known as the group theory, can be categorised into two parts. First, there are those that are socially guaranteed by the state to perform some functions as defined by the existence of the state. They include political party militias and other volunteer groups. Apart from community militias, that have relationships with the states in maintaining the *status quo*, there are also political party militias and private security militia that exists as socially, guaranteed civil militias.

Yoroms (2005) argues that party militias are the armed wings of political parties set up both as militant propaganda machineries and protective organs of the party in its various meetings. They are distinct because of their features as the armed wing of political parties, which are power-seeking organisations. According to Yoroms (2005:37), the non-state actor militias are more organised than the fluid militias that are the subject of the next investigation. The second category is the type of the first

generation concept of civil militias that emerge as a reaction to the failure of the state to meet the rising expectations of the society. The society's expectations range from security and safety need to the provision of the common goods, which are at the core of a functioning state.

2.9.3 Fluid militia theory

Fluid militias groups cannot be identified categorically and defined in terms of the characteristics of their membership. They are often not organised and articulate and emerge as a result of social and economic conflagration in the state (Yoroms, 2005: 38). In a way, they are soldiers without a cause, thus, mercenaries, criminal militias groups and vigilante-militias are in this category of fluid theory. Mercenaries entail a group of well-trained bandits that specialise in fighting someone's war in order to make money (Yoroms 2005: 39; Reno 1998: 62). There are many pockets of these mercenarian- militias and criminal militias all over Africa, in Congo Brazzaville there is Bernard Kolela's Ninja and Lissouba's Mambas, Area Boys in Nigeria and the Jeshi ka Mzee and Mungiki Gangs in Kenya.

2.9.4 Limitations of the existing civil militia theory

Though there is not much literature on the theoretical framework of both the state-centric and non-state actor militias, Yoroms' (2005) research work provides some foundation for further contribution to the theories of civil militia groups. In this context, this thesis makes an argument for a third generation theoretical framework that is located within the state-centric theory as defined by Yoroms (2005). The foundation of the third generation civil militia theory is embedded within the broad framework of anarchy. This theory is applicable to countries where the state has failed, collapsed and disintegrated and what remains of the state is hijacked by powerful militia groups, often organised along ethnic, tribal, or clan parochial lines. The third generation civil militia theory is tested against the intractable Somali conflict. Thus far, Somalia is the only country to have experienced total state disintegration. The country

is partitioned and divided among civil militia groups that are often supported by their clans. The literature is silent on civil militia groups operating in situations where the state is not only weak, or has failed, but has totally disintegrated and there are no institutions of the state or the state has been captured by civil militia groups who have no interest in the creation of the state institutions. The phenomenon of state disintegration is fairly new, thus, there is no recognition of civil militia groups who operate in such states. Similarly, the disintegration of states is becoming a new phenomenon in the international state system as is evident in Syria, Iraq, Afghanistan, Libya and Somalia.

By its own pronouncement, the state-centric thesis of Yoroms (2005) is predicated on the availability of a state infrastructure in its weakest or strongest forms. The first generation of civil militias is omnipresent in strong states and the second generation of civil militias is found in weak and failed states. It is in a weak and failed state that specialised entrepreneurs of violence in particular make a profit by looting and protecting services, thus “jacking up the protection screw” (Chojnacki & Branovis, 2011: 102). Although the literature on intractable conflicts has identified the failure with regard to early peace-making as a matter that leads to intractability, there is no postulation on what intractable conflicts may lead to. Therefore, this study suggests that a prolonged intractable conflict in a situation of ethnic polarisation can lead to disintegration of the state and the emergence of a militia state controlled by the third generation of militia groups similar to those in Somalia, which, as is argued in this study, requires the development of the third generation civil militia theory in order to explain and understand the problems of contemporary Somalia.

Third generation civil militia theory

The end of the Cold War in the 1990s, fundamentally altered the global political balance of forces and introduces new political and military realignment within weak and fragile states, particularly in Africa, where state formation was still in its infancy following

decolonisation and which resulted in chaos and brutal civil wars in some countries. Ethnic identity became the defining feature of political and state formation, and the conflict started to shape-up along these lines and putting more pressure on the state to cope with the challenges. The Somali state could not cope with post-Cold War era, thus it became a casualty of the changes in the global socio-political, economic and military phenomena. The Somali state collapse in 1990 brought about a new generation of civil militia groups that are not dependent on the state's existence in comparison with the first and second generations that are instruments of perpetuating political power, in essence, thus their reliance on state power in its weakest and strongest position. The specific variants of general militia theories' focus is defined by their particular types of relationships with the levels of state function, weaknesses and failures, however, the new generation of militia groups thrive in a situation where state instruments have failed and have disintegrated.

The current theories of militia groups have some limitations when reviewing the new generation of militia groups dominating the conflict space, mainly due to reliance on IR theory, about which Cox (1986: 205) observes that there have been few attempts within the bounds of IR theory to consider the state/ society complex as a basic entity of international relations. Consequently, the fact that there are a plurality of forms of the state, expressing different configurations of state/society complexes, remains largely unexplored, at least in connection with the study of IR. The third generation civil militia theory is at the core of an attempt to understand failed, collapsed and disintegrated states controlled by civil militia groups, such as the Somali state.

After reviewing the scholarship on different generations of militia groups, it is imperative to apply the principal objective of critical theory to allow for a normative choice in favour of a social and political order different from the prevailing order under which the first and second generations of militia groups are configured (see Cox 1986: 210). In this context, an argument can be made that given the dependency of existing

theories of militia groups on the state institution, there is a gap with regard to situations where the state has collapsed and the social contract between the state and the public is non-existent, mainly due to the fact that there is no state infrastructure, even in its weakest form. The system of governance has been replaced by militia groups that are functionally undifferentiated units in that they have cohesive governance, an economic system, the ability to motivate people and a military capability. Vinci (2009: 26) suggests that the units are able to maintain control over their internal and external relations, thus, he categorises the units as autonomous and independent actors, and the notion of an independent actor is central to the notion of 'sovereignty'. Hence the third generation of civil militia groups can be regarded as empirical sovereign units. In this case, the state has lost total control on its capability to provide the public goods, and the plethora of opportunist groups have emerged. These groups then assumed a posture of predation due to their military menace to the society.

Similarly, the non-state militia theory is grounded in the social contract theory and in this regard, militia forces are established by groups intended to withstand the legitimate exercise of the use of force by the state (Yoroms, 2011: 37). Legitimacy assumes that the state enjoys domestic and external sovereignty, accordingly, both the state-centric and non-state militia theories have their foundation on the state infrastructure. If statehood is defined by the monopoly over the means of violence or ability to make and enforce rules and decisions, what happens to situations where there is no central authority to exercise this state monopoly?

In an attempt to explore the above question, Cox (1986: 207) suggests that all theories have a perspective that is pertinent in this regard. This perspective derives from a position in time and space, specifically social and political time and space. In each such perspective the enveloping world raises a number of issues, the pressure of social reality presents themselves to consciousness as problems. In this regard, a primary task of theory is to become clearly aware of these problems, to enable the mind to come to

grips with the reality it confronts (Cox, 1986). Thus, as reality changes, old concepts have to be adjusted or rejected and new concepts forged in an initial dialogue between the theorist and the particular world he tries to comprehend. Similarly, the third generation civil militia group theory is an attempt to understand the generational changes in militia groups in the post-Cold War era. In this context, Cox (1986) again argues that theory is always for someone and for some purpose. The purpose of the third generation civil militia group theory is to analyse the new phenomenon where militia groups have balkanised the state, often along ethnic lines.

Francis (2005:4) contends that even failed states such as Somalia still commands international sovereignty, it is their domestic sovereignty that is severely circumscribed. These theoretical frameworks do not only have academic and theoretical implications, but also far reaching political implications in countries where the state did not only collapse, but disintegrated totally and left a plethora of civil militias in its wake organised along ethnic and clan patronage as is the case in Somalia.

Moreover, the case of the Somali state enables this study to examine an aspect critically that has lain at the heart of the disintegration of the Somali state since 1991 and the emergence of the third generation civil militia groups. According to Menkhaus (2005:27), contemporary Somalia is in other words, without a government but not without governance. In this regard, the governance of Somalia is under a plethora of civil militia groups, categorised in this study, as the third generation civil militia groups. The Somali state has since failed to create domestic sovereignty and its Westphalian sovereignty only exists on paper, neighbouring countries have a free ride to violate its territorial integrity without any constraints. The absence of a viable domestic sovereignty in failed, collapsed and disintegrated states is at the core of the need to revisit Yoroms' (2005) research on civil militia theories. The limited scholarship on civil militia theory is fundamental in the study's argument for the identification of

the new generation of civil militia groups, defined in this study as third generation civil militia groups

In this context, this study argues for the third generation theory on civil militias. The proposed theoretical framework will be useful for the analysis of states that are controlled by civil militias, such as Somalia. In short, it will provide insight on how the international community perceives the militia groups, influences intervention strategies to resolve the conflict. Similarly, failure to locate the theoretical concept of 'militia groups' operation' in situations of the state without governance can prove to be fatal for the sustainable resolution of the conflict as exemplified by the Somali situation.

The state-centric militia theory postulates that the first generation civil militia theory is prevalent in strong and functioning states, where the state enjoys absolute monopoly with regard to the instruments of state power. The second generation militia theory also regards militias as an instrument of power by the functioning state to augment some of the functions provided in the social contract. The state still enjoys the monopoly over the use of force despite the co-option of some auxiliary entities, power still resides within the state. The state in this instance, retains the power to delegate authority to these militias. Some of the functions may also include extra judiciary issues, such as assassinating opponents of the state, particularly in states where elements of state weaknesses are becoming more pronounced. State power is a fundamental variant when analysing militia groups.

Conceptually, the configuration logic of a third generation civil militia theory should be located within state-centric militia theories, but it should be a conceptual framework that can provide the analytical tools for the study of totally failed and disintegrated states such as Somalia. The point of departure of this framework is that the domestic sovereignty of the state has been totally decimated by civil militia groups. These militia groups have no point of accountability and they are often organised along ethnic, racial, clan and religious lines. The third generation militia groups are ethnic in character, and

they project themselves as defenders of their ethnic group. Power distribution is fundamental in the 'third generation militia' concept, because power is multifaceted. Vinci (2009: 35) argues that the notion of 'power' includes economic wealth, which is used to establish and maintain the control of militia forces.

The Somali civil militia recruits are often young, clan-based, often illiterate and without life skills apart from their limited knowledge to handle firearms; and are a part of the so-called lost generation created by the protracted civil war. A conventional approach to understanding the motivation of militia groups entails assuming that they represent the grievances of certain groups within the society. In particular, such explanations refer to ethnic, tribal, clan, or nationalist drivers in society (see Vinci, 2009: 32). In countries such as Somalia, all the sources of state monopoly, such as formulating laws and providing common goods have been totally destroyed by the third generation civil militia groups. Similarly, the Somali third generation civil militia groups have reached a positive-sum stalemate, meaning that there is no singular militia faction capable of defeating others, thus keeping the military balance of forces in favour of perpetuating the prevailing status of militia control without a government system yet having juridical sovereignty. The young Somalis born after 1990 are a lost generation, who lost out on the basic human skills of survival as well as good education and normal upbringing not characterised by civil war and destruction. It is in this context that the generation here referred to as the lost generation has redefined itself in terms of the skills required to fight a war, although not trained in the art of war. Consequently, this lost generation became instrumental in the evolution of the new militia generation, referred to in this study as the Third Generation Civil Militia Groups.

Given the absence of a central government to provide the collective goods and instruments of state, a plethora of militia groups have emerged that have no interest in reconstituting the state in its functioning form due to their predation. In this regard, powerful civil militia leaders are obstacles to the notion of power-sharing as an

instrument to transform the conflict radically. The absence of state power is a fundamental matter when it comes to the 'power sharing' concept. In this regard; empirical evidence suggests that challenges of state-formation in Somalia are complicated by illusory power sharing formulae used by mediators during the peace processes. The argument advanced during the negotiation process that the outcome of such a process is predicated on power sharing is flawed, because the instruments of power were destroyed in 1991 when the Somali state collapsed and disintegrated and the civil militia state emerged. The Somali militia state is now controlled by a plethora of militia groups without a clear political agenda to transform the conflict. These militia groups are better served by a state without a central government. This thesis argues that it is flawed to bring these militia groups together under the pretext of a power sharing arrangement, because there is no power to be shared. The use of power sharing can be described as illusory power in the absence of any instruments of state power.

Illusory power can become intractability. In this context, the Somali power-sharing formula has created a perception of some civil militia groups not willing to share power which in effect is non-existent given that all institutions of state have been decimated by militia groups. Contextually, once a power sharing government has been created, there is a reasonable expectation by all the militia factions to get their share of state power, thus, once it is evident that there is no form of state power to be shared, a suspicion is aroused, particularly regarding those who occupy nominal senior state positions that they are not willing to share power. The dichotomy of this situation is that militia groups that are in positions of illusory state power have no actual power to share with other militia functions, thus the power sharing dilemma, which means that militia groups prepare their military capability in the hope of using them as bargaining instruments to maximise their empirical sovereign continue to perpetuate the security dilemma among warring groups.

The absence of the instruments of power in collapsed and disintegrated states challenges the 'power-sharing' concept in the resolution of protracted civil conflicts such as is the case in the Somali conflict. In this regard, Menkhaus (2003: 12) observes that state-building and peace-building are two separate, and in some respects, mutually antagonistic enterprises in Somalia. Similarly, the absence of any form of government is a challenge when it comes to the implementation of negotiated agreements. Power-sharing has worked in cases of limited statehood such as in Burundi, the DRC and the Sudan. Limited statehood, which Brozus (2011: 263) defines as the persistent absence of a monopoly over legitimate force, which severely restricts the legitimate implementation of political decisions by the government. It worth noting that the Somali situation cannot fall under the category of limited statehood as there is no single central government that is restricted to the capital city as may be the case in failed states.

The newly formed government of Hassan Sheik Mohamud has not altered the structure of the Somali conflict fundamentally. Like the previous transitional government configurations, Mohamud's government is not democratically elected by the Somalis, it is the government imposed on the people and it will ultimately face the challenges of domestic legitimacy. The international community has already heralded the government as representing the new beginning in the resolution of the Somali conflict. In this case, the conflict may go into a latent state and only resurface at a later state.

The third generation civil militia theory postulates that, the first generation theory, the second militia generation theory and the fluid theory are not applicable to failed and disintegrated states because of their reliance on state instruments, in their strong and weakest forms. Though the Somali state has disintegrated unprecedentedly, it continues to enjoy Westphalian sovereignty, yet it lacks domestic sovereignty, which is a measure of state legitimacy. Hence, the third generation civil militia theory is intended to be a conceptual framework to analyse states with no domestic sovereign capacity, referred

to here as “militia states.” The third generation militia groups are residues of the state failure, collapse and total disintegration of the state. In this context, Somalia is still the only state in the contemporary state system to have experienced state failure, collapse and total disintegration. There are indications that Libya, Iraq and Syria may face the same form of state failure, collapse and disintegration as Somalia if the ethnic power distribution and dynamics are not resolved to the satisfaction of all ethnic groups in the conflict.

Similarly, Menkhaus (2004: 16) argues that the unique aspect of the Somalia crisis has been the complete and protracted collapse of the central government. In this regard, the third generation civil militia theory will become a useful tool for analysing the perpetual failure of peace processes in Chapter five of this study.

2.10 Conclusion

Various theoretical concepts identified in this chapter are fundamental to the analysis of the Somali conflict and efforts to find a durable peaceful solution. The theoretical frameworks of states and state failure form the basis of evaluating the creation of the Somali state and its eventual total collapse and disintegration. The Somali state failure and disintegration is unique in the contemporary international state system. In this context, the research by Yoroms (2005) and Francis (2011) on civil militia theories has been crucial in the argument for a further development and expansion of the state-centric theory of civil militia groups, thus this chapter identified the third generation civil militia theory, which is used in the analysis of civil militia groups in situations of total state failure and disintegration. The third generation civil militia groups represent a phenomenon that is challenging the conventional international state system by competing on an equal basis where the state has collapsed and disintegrated. The Somali conflict has exposed weaknesses of the international state system in situations where there is no social contract between the state and its citizens, yet there is some form of governance without government in Somalia as observes Menkhaus (2003: 13).

Militia generational development is a phenomenon caused by changes in the international political system, in this regard, the Treaty of Westphalia (1648) saw the consolidation of the first generation militia groups. The First and Second World Wars further institutionalised the first generation militia groups. The Cold War era saw the emergence of the second generation militia groups, while the demise of the Cold War was instrumental in facilitating the emergence of the third generation militia groups in Somalia, as reflected in a lack of political interest in dealing with the consequences of the Cold War proliferation of small arms in the Horn of Africa, particularly during the 1970s. The Cold War was fundamental for the second generation militia groups that are still features of weak states, such as the Mungiki Militia Group in Kenya. As opposed to the second generation militia groups, the first generation militia groups still play an important role in functioning and strong states such as serving as the reserve force, and responding to disaster management in countries such as the US. The reserve force does not however, only have more military fire power than the regular force, is subjected to the checks and balances of good governance by institutions of state such as the legislature and other arms of the state.

The work of Yoroms (2005) moves from the basis of state weaknesses and failure and does not cover the unprecedented disintegration of a state such as Somalia. This study argues that the manner and nature of the Somali state collapse is unprecedented in the modern international state system. In this regard, Yoroms' (2005) research work is limited to the weak state limitations and strong state phenomena discussed earlier in this chapter. The limitation of this framework is rooted in the assumption that there is some form of central government, albeit limited.

Similarly, theories of ethnicity are useful when evaluating the role of the clan system in the Somali conflict and peace processes. Both the instrumentalist and primordialist perspectives are of value when analysing the role of clans in Somalia. The conceptual frameworks of mediation and negotiation are also of value when exploring the peace

process since the state collapse disintegration in 1991, these theories are important when evaluating the failure of international diplomacy in the Somali peace process. The concept of 'power-sharing' has gained some traction in the Somali peace process without merits since the failure and collapse of the Somali state in 1991, the 'power-sharing' concept insinuates the prevalence of power to be shared and there is no power to be shared in Somalia, except the access to foreign aid destined for destitute people.

The next chapter provides a brief historical perspective of the political system of Somalia since the formation of the Somali Republic in 1990, the clan system and the centrality of the Islamic faith in the day- to- day life of the people. Fundamentally, the chapter explores the strengths and weaknesses of the early Somali state and the military rule of General Siad Barre and the eventual collapse and disintegration of the Somali state in 1991. Furthermore, this chapter explores the political evolution of the country that eventually led to the militarisation of the country. The distinction is drawn between the military and political developments in Somalia. The distinction is drawn in order to analyse the failure of political leadership during the early days of state formation in the 1960s.

Chapter three

Historical perspective of the Somali political system

3.1 Introduction

This chapter explores the evolution of the Somali people and the environment in which they have lived with each other over the years and how they managed to resolve their differences using traditional forms of conflict resolution. A brief review of the clan genealogy is provided to allow the reader to understand the role of clan politics in the Somali conflict and the subsequent peace process, though, only major clan groups are explored in this chapter. The Somali legal system is also explored in order to provide the basis for an analysis of how the consummation of the Somali Republic came into the equation in 1960.

The chapter also examines the aftermath of the creation of the Somali state in 1960, its strengths and weaknesses and the factors leading to its collapse in 1991, arguing that the continued threat to state re-establishment is mainly due to the lack of political formations with clear strategies for transforming the Somali conflict. From an instrumentalist theoretical perspective, an argument can be made that General Siad Barre used clan differences to manipulate the Somali political situation to his advantage. This assertion strengthened the view that the clan-based conflict ravaging contemporary Somalia is a legacy of both a weak state phenomenon, General Siad Barre's maladministration and military adventure in the war with Ethiopia over the Ogaden in 1977. This was a significant factor in the Somali state collapse and disintegration, and the final emergence of third generation militia groups following the collapse of the state in 1991. The chapter further explores the structural political

weaknesses that led to the collapse and disintegration of the Somali state in 1991 and the creation of the contemporary militia state controlled by a plethora of militia groups, often organised along clan lineage and patronage. In the process, the militia groups have become an intractability, and have further compounded the process of resolving the conflict in Somalia (see Crocker *et al.* 2009, on behavioural changes of intractable conflict discussed in chapter two of this study).

3.2 Somalia and its people

Somalia is mainly a semi-desert located at the North-Eastern tip of the Horn of Africa, covering almost 640,000 square kilometers. From the region of the Awash Valley in the north-west, this predominantly arid territory is occupied by Somalis. It extends around the periphery of the Ethiopian highlands and along the Gulf of Aden and the Indian Ocean Coast, down to the Tana River in northern Kenya (Lewis, 2005: 01). The areas between the Shebelle and Juba Rivers and the northern escarpment are the bread-basket of Somalia, mainly due to the higher rainfall and rich arable land that is ideal for agricultural production. Somali-speaking people form one of the largest ethnic groups in Africa, dispersed throughout the Horn of Africa, in the Ethiopian Ogaden and northern Kenya and extending to the Tana River.

The Somali are considered to be part of the Cushitic Language family to which the Afar, the Oromo, the Beja and the Saho also belong. The group is commonly known as the Hamitic group (see Brons 2001: 90; Lewis 2002: 04; Bradbury 1994: 08. Accordingly, all Somali genealogies go back to Arabian origins, to the prophet Mohammed's lineage of Quraysh and those of his companions, though according to Brons (2002: 90), there are differing opinions about the actual line of descent from Arabia. One is that the pastoral clan families trace their descent from an ancestor called Samaale, while the agricultural clan families, the Digil and Mirifile, are descendants of an ancestor called Sab. In this myth of origins, all Somalis are descended from a cousin of the Prophet Mohammed,

Agiil Abuu Taalib. (Lewis claims that the Isaaq trace their descent from Agiil's brother Ali Abuu Talib who married the Prophet's daughter Fatima).

There is a second set of narratives of Somali origin that refers to the story of the man in the tree, the charismatic ancestor who came from Arabia and married a Somali girl, thus founding the patrilineal descent line of originating in Arabia. This narrative is rooted in old African mythology and was fitted into the new belief system after the conversion of the Somalis to Islam. This interpretation of the myth, then, asserts a historically African origin of the Somalis. The two perspectives of the myth of origin has led to the conclusion by Lewis (2002: 04) that Somalis have a common ancestry that can be traced back to Arabia, an argument found in both myths of Somali origin. The fact that the Somalis have a common language and religion, however, has not been a useful mitigating factor in the management of the conflict ravaging that country.

Somalis are predominantly Sunni Muslims with regard to their religious faith. Van Notten (2005:29) comments that religion among Somalis invariably means Islam, of the Sunni kind, and insofar as Somalis apply Islamic Law, they follow the Shafi'ite school. They adopted this religion gradually, of their own volition, and it was never imposed on them. Mwangi (2012: 517) suggests that about 98 percent of Somalis are Muslim, most of who follow a Shafi'I version of Sunni Islam that has traditionally been dominated by apolitical Sufi sect. In this context, the question arises as whether there are grounds for Salafi and Wahhabism influence within the Somali population. The Somali Sect of Islamic persuasion forms the basis of analysis when exploring the relationship between conflict and religion with a particular focus on the possible influence of Al-Qaeda in the Somali civil war (See chapter four of this study).

According to the study by the Federal Research Division (2010: 50), the once-common notion that the migration and settlement of early Muslim followers of Prophet Muhammad on the Somali coast in the early centuries of Islam had a significant impact on the Somalis no longer enjoys much academic support. The study concludes that

scholars recognise that the Arab factor, except for Somalis' conversion to Islam is marginal to understanding the Somali past. Furthermore, the Federal Research Division argues that conventional wisdom once held that Somali migrations followed a north- to -south route, the reverse of this now appears to be nearer the truth. This argument is based on scholarly research proving that Somalia are part of the Cushitic Language family as reflected earlier on, what is in dispute here, is the scholarship's clear reference to the mythical father figure of the main Somali clan-families, Samaale, whose name gave rise to the term Somali. Fundamental changes in the Somali clan lineage only occurred in the thirteen century, according to the Federal Research Division (2010:52), and it was mainly driven by Sheileh Darod Cabarti and Sheileh Isaaq. Sheileh Darod married Dombira Dir, the daughter of a local patriarch. The marriage gave rise to the confederacy that forms the largest clan family in Somalia, the Darod. Sheileh Isaaq then founded the Isaaq clan in the northern part of Somalia. The emergence of the Darod clan would later become a source of political contestation, seen by some in the society as an instrument of perpetuating violent conflicts as reflected in chapter four of this study. Barons (2001: 110) also argues that clan affiliation is used as a political tool for mobilising support.

According to Elmi (2010: 34), the various explanations of clan identity that are provided can be grouped into two views. First, those who have a primordial view of identity argue that clan identity and the clannism that is often associated with it, are the main culprits for the initiation, escalation and perpetuation of the Somali conflict. In contrast, those who have an instrumentalist view of identity contend that identity is used in order to obtain resources or achieve power objectives (see also Brown, 2001: 211; and Abdullahi, 2007: 48). Given the above explanations, identity is an emotional weapon of choice for those who seek to perpetuate their personal political, economic and social agendas, in most cases to the detriment of the communities whose identities are exploited.

The instrumentalist perspective has been central to the explanation of clan identity in the protracted Somali conflict, and the ground for the nourishment of this perspective has been a generation of young Somalis born in the late 1980s. This is a generation that does not have any life skills except selling their war skills to militia leaders who have balkanised the country into fiefdoms controlled by predatory warlords classified in this study as Third Generation Militia Groups, often supported by their clansmen, who rely in their protection against other clan groups. The absence of a central government to provide security to the population has given rise to security dilemma among clans in Somalia, and exploited by civil militia leaders for their parochial interests.

The Somali clan system is a complicated system, yet fundamental for an analysis of the protracted conflict which goes on unabated, and defies mediation to find a peaceful settlement. According to Brons (2001: 106), there is a fundamental difference in the way that the settled agro-pastoral communities of the inter-riverine areas and the pastoral clans perceive clan-affiliation or, in other words, a difference in the level of importance of patrilineal descent for the structuring of their socio-political and economic reality. For the pastoral clans, the Samaale, the primary perception of social reality is constructed in accordance with patrilineal clan affiliation as it defines the rights, duties and securities of people in the social, political and economic sphere. Accordingly, Van Notten (2005: 19) defines clan as an agglomerate of many groups of people, the smallest being the *reer*, which is best translated as “camp.”

The *reer* usually consists of half-a-dozen households or nuclear families and has no jural or political life of its own. To this end, Lewis (2002: 9) argues that clans are traditionally led by Sultans (in Somali: Sudan, Boqar, Garad, Ugas, among others). The Sultan title, which evokes something of the pomp and splendor of Islamic states, does not accord with the actual position of the Somali clan leaders, who are normally little more than convenient figureheads, and lack any firmly institutionalised power (Lewis, 2002: 10). The Samaale clan families comprises: The Dir, Isaaq, the Hawiye and the Darod, that

are primarily pastoral nomads and have settled in various parts of Somalia over the years. The Dir clans (the Ise and the Gadabursi) are mainly concentrated in the western part of the northern regions of Somalia (Somaliland), Djibouti and the east of Harar province of Ethiopia (See Lewis, 2002). Their grazing movements also extend into the Ethiopian Haud.

The Darod occupy the Eastern Nugal and Mudug Regions, most of the Haud and the Ogaden. The Harti Sub-clan of the Darod is spread throughout the country. This Sub-clan, comprises the Dulbahunte, Marjeten and Warsangeli. The protracted Somali civil war has contributed in altering the patterns of settlements, with Galkayo north occupied by the Darod, and South Galkayo occupied by the Saad, a sub-clan of the Hawiye. The Harti are also found in Kismayo, in the Lower Juba, (See chapter four). The Hawiye are mostly found in Mudug, Hiran and Mogadishu. They also extend some way across the Shebelle basin where they mingle with the Sab clan-families. Like the Darod, the Hawiye clan is also found in the northern part of Kenya (See Lewis, 2002; Brons 2001; and Van Notten, 2005). The settlement and migration patterns are mainly influenced by the quest for grazing land and water for the dominant pastoral clans. Lewis (2002: 11) categorises this competition for resources as a people driven by the poverty of their resources to intense competition for access to water and grazing land (See Figure 01: Map of Somali clans' inhabitation patterns).

The Sab clan family has often been regarded by the Samaale clan family as somewhat inferior, thus, understanding their sources of life and their reliance on farming is fundamental to the dynamics of intra-clan conflict. Brons (2001:107) observes that for the settled Sab communities in the Southern region, the importance of clan structure must be seen in relation to the importance of the village. The Sab are attached to the land or territory that they inhabit. The Sab consists of the Digil and Mirifle, commonly referred to as the Rahanweyn. The clan is found in the agricultural rich riverine areas and the Baidoa area, their strong affinity with cultivating land has always determined

their location of settlement. Lewis (2002: 7) argues their habitat is primarily restricted to the fertile region between the two rivers of Juba and Shebelle where their pastoral and cultivating sections not only mingle with each other but also with pastoral nomads of the other Samaale clans.

Lewis (2002) further argues that the most numerous are the Somalised Bantu scattered along the Shebelle and Juba Rivers and in pockets between them. Their origin is traced back from the earlier Bantu and Swahili speaking groups, as well as former slave populations freed by the suppression of slavery at the end of the nineteenth century. Conflicts have occurred between the nomadic and the sedentary clans over pastoral water. Brons (2001: 112) observes that although Somali conflict resolution mechanisms are embedded in the clan structure, clan-elders are often among the most influential landowners, making them personally more involved in conflicts. In the Southern, agriculturally rich inter-riverine areas, the situation is rather different, Brons (2001: 112) argues that clan elders became extremely involved in land-tenure politics and are therefore, not considered independent peace-seekers by other clans. The Rahanweyn clan family, were virtually surrounded by pastoral clans and contacts between these two groups was often characterised by conflict.

The Samaale and Sab clan families are fundamentally distinguished from each other by their relation to the land, their identities, which derive from production patterns of both pastoralism and sedentarism that is often used as a source of conflict by leaders who see these differences as instruments of conflicts. Clan structures provide an understanding of the role clans play in the perpetuation of the conflict and the role they may play in the resolution of the conflict if strategically nurtured by peace makers as evident in the Boroma Peace Process in Somaliland whose foundation was grounded in the inclusivity of all role-players, most importantly, the inclusion of clan elders. The clan elders assumed a leading role during the Boroma Peace Process and were not seen as providers of young militia recruits by militia leaders.

3.3 Somali legal and religious values

Somali customary law is founded on respect for human life. In this regard, Van Notten (2005:49) argues that Somali customary law prohibits conducts like homicide, assault, torture, battery, rape, accidental wounding, kidnapping, abduction, robbery, burglary, theft, arson, extortion and fraud. The civil war ravaging Somalia goes against the Somalis' value system as reflected in the society's way of life. Also prohibited is *tort*, the unintentional causing of damage to another person's property. That means that in principle, Somalis recognise every person's right to life, liberty and property. While Brons (2001: 120) argues that both customary and Sharia law are used in conflict resolution, encompassing legal issues deriving from resource competition over land, pasture or water, family affairs, criminal offences and compensation payments, Van Notten (2005: 49) observes that the law stipulates that any person who violates the right of another must restore his victim to the situation he was in before his right was violated.

The Federal Research Division (2010: 194) observes that at independence, in 1960, Somalia had four distinct legal traditions: English common law, Italian law, Islamic Sharia or Religious law and Somali customary law. The challenge in 1960 was to meld this diverse legal inheritance into one system. During the 1960s, a uniform penal code, a code of criminal court procedures and a standardised judicial organisation were introduced. The Italian system of basing judicial decision on the application and interpretation of the legal code was retained. The courts were enjoined, however, to apply English common law and doctrines of equity in matters not governed by legislation. Colonial interests played a role in the legal challenges of modern day Somalia that eventually led to the unilateral declaration of independence by the northern region of Somaliland.

According to Brons (2001: 120), a fundamental difference between Sharia and customary law lies in the fact that, regarding the former, the perpetrator is personally

held responsible, whereas in the latter case, the lineage as a whole takes over the responsibility for the committed crime. Blood money (*diya*) payment rests on the understanding that the clan compensates for a homicide committed by one of its members. Brons (2001) again makes an observation that the perception of collective responsibility often leads to acts of revenge that are in turn directed against a clan as a whole. This is a major factor in the current conflict in Somalia. A 1962 law integrated the court, the courts of appeal, regional courts and district courts. Sharia courts were discontinued although judges were expected to take the Sharia into consideration when making decisions (See Federal Research Division, 2010:195)

The indigenous Somali legal system has clear built-in mechanisms for managing and resolving intra-clan conflicts; in this regard, Lewis (1998: 163) observes that the feud caused by homicide within the tribe is usually settled by payment of blood-compensation, whereas between tribes, fighting is the normal consequence. The behaviour of a clan justice system was observed in 2002 when Musa Sudi and Omar Finish were locked in a fierce battle for the control of the Abgal sub-clan at the convened Mbagathi Peace Conference in Kenya in 2004. The conflict was eventually brought to an end by clan elders who agreed to divide the militias between the two militia leaders. This ancient Somali system of resolving conflicts is interwoven in the clan political dynamics of the society and it remains fundamental in the contemporary Somalia. However, the creation of the Somali republic in 1960 did not take the clan justice system into account. The colonial powers were more interested in the creation of a state modeled along the Euro-Centric state system to the detriment of indigenous Somali systems of governance and conflict resolution. The neglect of indigenous systems contributed significantly to the Somali state failure and has prolonged the conflict, and gave rise to the emergence of the third generation militia groups. In this context, Richmond (2013: 379) critiques the liberal state building and peace-building approach by suggesting they failed to connect with the local targeted population. Richmond further argues that the liberal approaches end up buttressing problematic

elites and their often chauvinistic, nationalistic or personal interests, and lack a connection in context, on the ground, amongst population that have their own understandings of identity, sovereignty, institutions, rights, law and needs according to their own socio-historical and cultural traditions and context. In this regard, the observation by Richmond (2013) is relevant to the Somali conflict resolution process, and is further supported by the argument for the peace formation, which implies the reconstruction of political community, the state and international organisations from the ground up, if they are to be representative, democratic and responsive to the situation of their subjects in local, state, regional and global context (see Richmond, 2013).

Tracing the origin of Islam in Somalia, Adam (2010: 120) argues that certain historical episodes point to the introduction of Islam on the northeast African coast before it became firmly rooted in Arabia itself. He goes on to argue that mass conversions and the deepening of Islam among Somalis seems to have taken place only from the 11th to the 13th century. Adam (2009: 120) states that Somalis follow Sunni Islam; Accordingly, Sufism greatly influenced their religious practice, while Brons (2001: 95) emphasises that the vast majority of Somalis (some 99%) are Sunni Muslims and almost exclusively belong to the Shafiite school and differences in religious interpretation amongst the Somali Muslim clergy, they all adhere to Sunni Shafiite Islam that the Somali society does not suffer from a major schism within its Islamic orientation. Shultz and Dew (2006: 61) argue that although Islam has an important role in Somali identity, the clan has remained the main political unit in Somalia

When tracing the origin of Islam in Somalia, Lewis (1998: 152) argues that noble tribes in general trace their descent through their proselytising ancestors from the family of the prophet, viewing themselves in the final analysis as his sons within the common religion of Islam. Lewis further argues that the links in the genealogies connecting Somali ancestors to the Qurayshitic lineage of the prophet present an appearance of

improvisation “and have not been historically validated, yet they are the expression in the lineage principle of the degree of interdependence between the Somali and Islamic world”, spiritual and temporal, cannot be ignored. Lewis’ argument is a fundamental point of departure when investigating the influence of the Wahhabism-inspired Al-Qaeda group on the Somali conflict and the impact of the conflict in the global terrorism movement.

While Somalis are Sufis in terms of their Islamic faith, Lewis (2002: 63) emphasises that the Sufism or mystical view of the Muslim faith that exalts the charismatic powers of saints, is particularly well adapted to the Somali clan system in which clan ancestors readily become transposed into Muslim saints. Muslim saints are a fundamental departure from Wahhabi Islam which is founded on the theology of absolute monotheism (tawhid). According to DeLong-Bas (2004: 56) Mohammad Ibn Abd al-Wahhab, the founding father of Wahhabism, believed that only Islam adhered to the doctrine of absolute monotheism, setting it apart from every other religion, including Judaism and Christianity. It is on the basis of this strict adherence to monotheism that the Somali’s Sufis belief are inevitably a point of conflict with the Wahhabi inspired Al-Qaeda group. Al-Qaeda alliances are founded on the common understanding that Wahhabism is the guiding interpretation of the Islamic faith as is the case with the Taliban groups in Afghanistan and Pakistan.

Adam (2009: 122) suggests that European imperialism served as a catalyst for Islamic revivalism in several parts of the Muslim world: Emir Abdel Kader in Algeria, the Sanusiyya in Libya, the Wahhabis in Saudi Arabia, the Mahdi in the Sudan, and the Sayid in Somali. This argument seems to be confirmed by contemporary developments in Somalia where radicalisation correlates with external political intervention, such as the invasion of Somalia in 2006 and the eventual defeat of the Union of Islamic Courts (UIC) by the Ethiopian armed forces that resulted in the creation of the Al-Shabaab Islamic resistant group (see Adam, 2009: 125, 130, 133). Similarly, when Somalia joined

the Arab League in 1974, some religious leaders hoped that the move would further discourage Siad Barre from pursuing his Scientific Socialism that was intended to empower women. The clerics were not impressed when they realised that their support for Somalia membership of the Arab League did not go further than they had anticipated with regard to their ambition for an Islamic Somali state.

3.4 Democratic Somalia (1960 – 1969)

Postcolonial Somali history dates from 1960, when the former Italian colony of Somalia and the British protectorate of Somaliland in the north, united to form the Somali Republic. British Somaliland obtained independence on June 26, 1960, while Italian Somalia gained independence on 1 July 1960, which is also the date on which the two formed the Somali Republic. The contemporary pro-independent Somaliland contends that Somaliland was an independent entity before the unification on 1 July 1960 and in this context, Adam (2008) argues that there is a debate concerning the proper legalisation of the act of union. While the argument by Lewis (2002: 164) that the two legislatures of Somaliland and Somalia met in a joint session in Mogadishu and formally amalgamated to form the national assembly of the new Somali Republic seems to have provided a sound legal basis for the unification of the British Protectorate and the Italian Somalia. According to Brons (2001: 161), on the eve of independence, the seeds of political instability started to surface and political differences between the north and south emerged in matters such as the composition of the executive authority. The south maintained a dominant presence in the security establishment, the civil service and the government structures in general. These differences were suppressed rather than worked out openly.

Thus, Brons (2001) is of the view that President Aden Abdulle Osman's decree of unification was marred by some legitimacy flaws regarding the creation of the Somali Republic in 1960. From the beginning, the formation of the Somali state was an amalgamation of the clan coalition government. This argument is illustrated by Brons

(2001: 160) when she argues that the new multi-party national assembly comprised 123 members (33 from the north and 90 from the south). When one looks at these figures, they expose a more complex political problem of dealing with the country's political interest given the narrow dynamics of clan lineage and patronage. Narrow clan political interests are in the final analysis not sustainable, as instrumentalists would argue that clans' differences are used to advance predatory interests in a conflict situation.

The creation of the Somali republic in 1960 was flawed given that two distinct systems (Italian and British) of government were imposed on the new country with no history of democratic rule. Brons (2001: 161) observes that the Italian model constitution was taken over virtually unchanged, without the necessary adaptation to the specific characteristics of Somali society. The Italian model was predicated on a centralised system of governance, whereas, the British model was based on some form of power devolution to regions. Lewis (2002: 166) argues that however precipitous and incomplete it may have appeared at the time, the union of former British Somaliland and Somalia had an immediate and profound effect on Somali politics. Somaliland's quest for independence is the result of the British system's influence on clans mainly from the northern part of the country, such as the Isaaq and Dir.

The absence of visionary leadership capable of transforming clan identity into a viable force to entrench unity in clan diversity was a drawback in the creation of a democratic and viable Somalia. In this regard, Lewis (2002) observes that nationalist leaders saw only too clearly how clan differences and jealousies had facilitated the partition of their people by foreign powers in the past. Now these same factors, with little diminished vitality, impeded not only the full realization of the Pan-Somali goal, but also seemed to imperil the stability of the Republic itself. Pan-Somali ideology was later used by General Mohammed Siad Barre to launch an adventurous war against Ethiopia in the 1977 to 1978 Ogaden War.

Samatar (2002: 229) argues that, typical of African decolonisation, the Somali post-colonial state came into the world enshrouded in sharp contradictions. On the one hand, it effused a populist temper that promised both a retrieval of collective honour and people-hood, and a quick march towards socio-economic development. On the other hand, there was little understanding particularly on the part of the regime of the complexities of domestic reconstitution, let alone the difficulties inherent in profitably engaging a bi-polar international system. A cocktail of bi-polar international political dynamics and poor leadership on the part of Somali leaders, have been instrumental in the Somali state failure and total disintegration. Somali leadership failed to use the sound foundation of a multi-party parliamentary system on which the Somali state was founded. The early Somali state had built-in checks and balances and a sound judiciary system (Supreme Court, court of appeal, regional courts and district courts). The fundamental strength of the early Somali state was its people. There was a sense of patriotism among Somalis, they were united in their quest to build a prosperous and democratic system of government, based on the rule of law, (See Lewis; 2002: 164; Brons, 2001: 160).

The new independent Somali Republic recognised the importance of women in the political realm of the country and extended suffrage to women in the former British protectorate of Somalia (Somaliland) in 1963. At the same time, the new political system was not yet ready for allowing women to occupy meaningful positions in areas of political activities in the country as reflected by the 52 to 42 voting margin of the national assembly on the matter of women participation in the country's politics. Women in southern Somalia were allowed to participate in the 1958 municipal elections, as opposed to their counterparts in Somaliland. The national assembly approval for women of Somaliland to participate in the country's political dispensation was a progressive move which paved the way for equal opportunity for all Somalis (see the Federal Research Division, 1992: 72). The role of women in the peace processes has been relegated to the periphery since the collapse of the Somali state in 1991 and the

above-mentioned historical perspective is relevant for an analysis of the peace process, and to mainly explore reasons for failure of the peace processes since to collapse of the Somali state in 1991.

The Somali state was founded on the notion of a 'Greater Somalia' which included Somali-inhabited territories of the Horn of Africa, thus, the foundation of the Somali state was built on a shaky foundation, and was further compounded by the weak economic development created by the departed colonial powers (see Brons 2001; Lewis 2002; Adam 2008; Prunier 2010). At independence in 1960, the Somali economy was at near subsistence level and the new state lacked the administrative capacity to collect taxes from subsistence herders and farmers, mainly due to poor leadership during the early years of state building in Somali (Lewis, 2002: 168). Similarly, the leadership failed to inspire the people to develop a sense of belonging beyond their clan lineage patronage. The use of clan identity by political leaders in pursuit of their political goals was indicative of state weaknesses. When defining the phenomenon of weak states, Rotberg (2004: 4) argues that weak states typically harbour ethnic, religious, linguistic or other inter-communal tensions that have not yet become overtly violent. The inter-communal rivalry factor was apparent during the early days of the Somali state creation in 1960. The democratic government soon felt the impact of clan politics and paralysis. Brons (2001: 163) attributes the 1962 walkout by the Isaaq members of the cabinet from the coalition government as an illustration of the clan polity dynamics on the Somali democratic government. The walkout brought the perverse nature in which political parties were constituted to the fore. To this end, political parties were formed along clan divides, and the coalition was essentially a unity of clan political, economic and social interests. The national interests of Somalia were subsumed by the narrow interpretation of clan politics promoted and abated by political leaders.

Clan politics were instrumental in Mohammed Ibrahim Egal's walkout of the cabinet during the early process of state creation in Somalia. Egal and his colleagues from the

north were of the view that the government was neglecting the developmental interests of the north. The concerns of the northerners were to some extent factual, given the political asymmetry in favour of the dominant Darod, and their strangle-hold on power in the south of the country. By then, the newly formed Somali state was confronting the challenges of providing common goods to all Somalis, the task which the new state was unable to perform.

The Egal cabinet walkout was preceded by the December 1961 abortive military coup by northern military officers. According to Lewis (2002: 173) and the Federal Research Division (1992: 73), the revolt was carried out by a group of Sandhurst-trained lieutenants who, after independence, found themselves serving under Italian trained superior officers who were posted to the north of the country. The abortive coup was interpreted by the south as an intent by the Somali National League (SNL) to break-away from the Republic and create an independent state. Leadership and clanship had been interdependent phenomena in the fluid Somali politics since independence in 1960. The new Somali state would be entangled in a web of clan inspired political formations. In this context, Lewis (1999: 294) argues that the assumption of party-political solidarity by the clan-family was the most significant development. The clan-family political solidarity meant that competition for political space was not based on smaller units, and it effectively meant that the competition was elevated to the much bigger units, which in turn, meant a complication of the competition for political space.

The absence of a political party formation capable of providing leadership beyond clanship was at the root of the early Somali parliamentary political system problems. To this end, Brons (2001: 164) observes that parliamentarians perceived the central state framework as a source of opportunities and enrichment; in other words, the political system of parliamentary democracy became another layer in the personalised and/or clan-orientated arrangements of security provision. Samatar and Samatar (2005: 113) argue that a crucial dimension of what haunts Somalis is the quality of leadership and

respect for the rule of law, yet they are of the view that the Somali Republic's first President, Aden Abdulle Osman, and his second Prime Minister, Abdirazak Hussein, were proper leaders by any democratic measure. While Eno (2007: 133) argues that Aden Abdulle Osman initially served the president as a provisional leader and later sought reelection that saw him in power till 1967 when he was defeated in the election by Abdirashid Ali Shermarke, who, in turn, served until October 1969 as the second president of the Somali Republic. Shermarke was assassinated by one of the presidential guards in October 1969.

According to Eno (2007), analysts suggest that the fate of Shermarke was determined by his government's corruptness and other political sagas related to his party's vote rigging in the previous parliamentary elections. This situation of despondency was further complicated by the Supreme Court's decision that it was not empowered to rule on a large number of electoral petitions and complaints against the ruling Somali Youth League (SYL). The Supreme Court's decision effectively closed the door for any resolution of the electoral related complaints by aggrieved parties, and weakened the rule of law enshrined in the Somali constitution.

The Somali state was created on the basis and against the historical background of fragmented and artificial colonial boundaries, which were created without due regard to the historical dynamics of the Somali people, the Afar and Saho people of the horn of Africa. Empirical evidence points to a lack of commitment by former colonial powers to create durable state institutions in their former colonies (see Stange, 2011; Clapham, 2003; Clapham, 2004; Meierhenrich, 2004; Milliken & Krause, 2005). To this end, the Federal Research Division (1992: 72) argues that the British government acquiesced to the force of Somali nationalist public opinion and agreed to terminate its rule of Somaliland in 1960 in time for the protectorate to merge with the trust territory on the independence date already fixed by the UN commission. The conclusion is then drawn,

that the colonial power did not create transitional modalities that would guarantee sustainable state building in an independent Somalia in the long run.

The colonial powers' lack of commitment to create conducive conditions for the creation and development of sustainable and viable state institutions can be attributed to the desire by colonial powers to perpetuate their hegemony over their former colonies. Somali territorial changes were reflected in the manner colonial powers changed the country's way of life by introducing international borders and by splitting the Somali region into five parts. Brons (2001: 154) suggests that the demarcation of Somalia created a fact of international law with far-reaching implications on other countries around the world. In this regard, it is not an accident that the contemporary Somali conflict has its roots in the Pan-Somali ideology that advocates the creation of a greater Somalia based on the pre-colonial borders.

Failure by the colonial powers to deal with the fundamentals of borders demarcation of the new Somali state is a source of the Pan-Somali ideology, which has become a source of insecurity and a security dilemma in the Horn of Africa. During the talks on the future of Kenya in 1962, the British had appointed a commission to ascertain popular opinion in the NFD on the question of reintegration into Somali Republic. The finding indicated that there was unanimous support for integration into Somalia. Yet, the British government failed to take the aspiration of Somalis in the NFD into account. At the heart of this security dilemma, is the challenge of building a strong and viable Somalia. In this context, Elmi and Barisse (2006:39) allege that Ethiopia is keeping the Somali divided in order to maintain its hegemony in the region. Ethiopia's intervention in the Somali conflict may have been driven by the hope to have a direct influence on the future economic direction Somalia should follow and the general influence the outcome of the strife to its advantage (see Carment & James, 2004: 14).

The Ethiopian quest to maintain hegemony over Somalia has proven to be politically and economically costly for the country, as such, Ethiopia transferred the burden of

peace keeping to the AU to preserve its relative security and to maintain the balance of power in the region by avoiding over commitment of its military forces. In this regard, power is measured by comparing the capability of military forces (see Vinci, 2009: 52). Ethiopia may also be concerned about the resurgence of irredentist elements once Somalis have resolved their conflict. Furthermore, a lack of commitment by Ethiopia to provide unconditional support to successive transitional governments gives credence to the argument that Addis Ababa wants to see a Somali government that it can manipulate. Ethiopia's fears are further compounded by the manner in which some militia groups have forged alliances with the Eritrean government, thus compounding the desire to find a peaceful solution to the Somali conflict. Eritrea's relationship with Somali militia groups is not founded on sound and shared political values, but on a confrontation with Ethiopia. The ensuing border war between Ethiopia and Eritrea has become central to the manner in which the two countries view the Somali conflict. Ethiopia continues to project the conflict as Al-Qaeda- inspired, thus attracting Washington's support. On the other hand, Eritrea projects Ethiopia's involvement in the Somali conflict as a vindication of a broader policy of extending its territory in the region. Whatever the argument may be, the Somali conflict has become a proxy war between Ethiopia and Eritrea.

Weaknesses in the parliamentary political system and the lack of decisiveness by the Supreme Court with regard to complaints about vote rigging in 1969 created a vacuum and compromised the ability of the state to protect the rights of all Somalis. The votes of ordinary Somalis no longer counted, as defection by members of parliament became the norm in the national assembly. According to Brons (2001: 164), during the 1969 elections, parties with a low number of votes defected to the dominant parties, thus undermining and eroding the fundamentals of parliament democracy and helped to transform the political landscape into a *de facto* one-party state. In combined municipal and national assembly elections, 64 parties contested for seats.

After the 1969 elections, another 36 parliamentarians who abandoned their party for the winning side, joined the 73-strong SYL parliamentary group. In addition, the 11 members of the Somali National Congress (SNC) formed a coalition with SYL, leaving only three seats in parliament to opposition parties, resulting in a situation that Lewis (2002: 204) regards as the introduction of a one-party state. Weaknesses of the early Somali state formation were more pronounced in the political party formations, parties were formed along clan solidarity, thus weakening the very foundation of Pan-Somali ideology that was forged during the struggle against colonialism. On 21 October 1969, the Army, under the command of General Mohammed Siad Barre announced a military take-over of the ailing Somali state, and political parties were declared illegal, the constitution was suspended and; the national assembly closed. The military junta established the Supreme Revolutionary Council (SRC) with all power vested in General Mohammed Siad Barre, who later proclaimed himself President. The military government would put an end to the Somalis' quest to build a democratic state, and democracy has since proven to be elusive and the country has degenerated into a militia state without a central government.

3.5 The military rule (1969-1991)

On 15 October 1969, the President of the Somali Republic, Abdirashid Ali Shermarke, was assassinated by one of the presidential guards. Brons (2001: 169) contends that this incident left both the country and government in a political vacuum paving the way for General Siad Barre's military coup. The military generals established the SRC as the highest organ of the state under tutelage of General Siad Barre. The military regime was initially welcome by the Somali society after having won public confidence due to some success in nation-building activities (See Brons, 2001: 171). While Lewis (2002: 208), attributes the military's advocacy to clean out the Augean stable and to restore Somali virtues with a realistic and concerted onslaught on the people's real enemies: poverty disease and ignorance, as the influencing factor in the acceptance of the military by Somalis. Somalis were tired of the erosion of the basic tenant of their democratic rights

by the Shermarke government and they were no longer prepared to be ruled in the same old ways. The military regime was a setback in the development of the multi-party political system in the early years of the Somali state creation. Consolidation of power in some clan families further generated resentment by excluded clans. Siad Barre continues to view his clan as a source of wealth accumulation and political domination of the Somali state system. It was during the military rule that efforts to rebuild a multi-party political system were frustrated. Meanwhile, General Siad Barre succeeded in entrenching his clan hegemony in the Somali political system.

According to Lewis (2002: 209) the vigorous efforts to correct the errors of the past and place the country's fortunes on a firm footing assumed a more specific ideological orientation on the first anniversary of the coup, when General Siad Barre proclaimed that Somalia would henceforth be dedicated to Scientific Socialism. This choice of ideological direction signaled an orientation towards the Soviet Union. The announcement of the advent of scientific socialism was coupled with a vehement denunciation of tribalism. The military regime abolished the payment of blood money that is at the core of the Somali clan lineage. On the other hand, General Siad Barre concentrated power in his patrilineal Marehan clan, that of the matrilineal Ogaden, and the Dulbahunte (MOD) clan of his principal son-in-law and the head of the National Security Services (NSS), General Ahmad Sulayman Abdulle, later to known as MOD in Somali political circles. Siad Barre promised economic development and national unity by espousing his ideology of scientific socialism and by outlawing the notion of clan and political Islam. He took measures that led to the radical regimentation and militarisation of the Somali society and the imposition of secularism (Tadesse, 2002: 16; Bradbury, 1994: 9; Lewis, 2002: 210).

The development of scientific socialism as the official ideology and other reinforcing divisions became increasingly important to General Siad Barre's regime as the public enthusiasm that had greeted the *coup d'état* initially, gradually diminished (See Lewis

2002: 210). On the other hand, clan divisions were festering and were abetted by the regime. Clan conflicts were instigated by memories of past wars for resources or for prestige (Adam, 2008:8). In this context, Pesic (in Lake & Rothchild, 1998: 294) argues that ethnic conflict is caused by a fear of the future, lived through the past. Pesic's defining arguments on ethnicity illustrate the importance of breaking away from the past when defining the future, without ignoring lessons learnt.

General Siad Barre was instrumental in the militarisation of the Somali state, and he was particularly adept at using the Cold War tensions to solicit a vast array of armaments for his military establishment (Bradbury 1994: 10); accordingly, General Siad Barre's regime was instrumental in achieving the hyper-militarisation of Somalia after taking power in 1969. According to Bradbury (1994: 10) not only did the Soviet Union and the US contribute arms to Somalia, other countries such as China, Saudi Arabia, East Germany, apartheid South Africa, Iran, Iraq, Italy and Libya also contributed an assortment of arms to Siad Barre and various militia groups. Shultz and Dew (2006: 74) contend that foreign support provided the glue that held the system together in spite of the internal waste, corruption, and tyranny.

To some extent, the arsenal of weapons used in the contemporary Somali conflict are leftovers of the Cold War arms proliferation, particularly small arms that are found all over the country, and in the Horn of Africa in general. The proliferation of weapons of war remains a source of concern for the security and stability of countries in the Horn of Africa. Weapons that General Siad Barre distributed to civilians are now readily available on the black market, and are, in turn, used by the public as a means of survival and defense in desperate economic times (Osman 2007: 99). Furthermore, General Siad Barre distributed a large quantity of weapons mainly to his Darod clansmen, thus igniting intra and inter-clan conflict on a scale never seen before.

The proliferation of weapons of war and political patronage were major factors that led to the militarisation of Somalia, and General Siad Barre was instrumental in this regard.

Siad Barre's investment in military hardware proved to be fatal in the long term for Somalia. These weapons of war were instrumental in the clan security dilemma and the emergence of the third generation of militia groups. According to Bradbury (2008: 38), the militarisation of the Somali state began in the early 1960s, when the country solicited foreign assistance during its border disputes with Kenya over the NFD, and with Ethiopia. He observes that by the early 1980s, security was consuming nearly three-quarters of government spending and exceeded the country's export revenue. In this regard, Adam (2008: 55) argues that in 1977, Somalia had 25 MIG-17s and MIG21s; 30 MIG19s; a Shenyang fighter; a squadron of 24 MIG21s; a six-plane transport squadron as well as a helicopter squadron. The Soviet Union provided 250 medium tanks; 100 T-54s and T-55s; an arsenal of guided missiles boats; and assisted in the establishment of the navy and a well-equipped army of 37,000 troops. The US made an initial contribution of US \$40 million in military hardware following the Soviet fallout with General Siad Barre over the 1977 Ogaden War with Ethiopia. The US thereafter, consistently provided military support to General Siad Barre until the collapse of his regime in 1991. By the mid-1970s, with Soviet assistance, Somalia had built up one of the most powerful armies in Sub-Saharan Africa and in 1977, General Siad Barre took his country into a fateful war with Ethiopia over the Ogaden (see Bradbury, 2008:38).

Although General Siad Barre publicly advocated anti-clan politics, his actions contradicted his pronouncements, and he soon became a strong proponent of the instrumentalist school of thought by using clan identity to promote and entrench his stranglehold on power. Notwithstanding the fact the Somali people share a common language, religion (Sunni Islam), physical characteristics and oral literature traditions as well as pastoral and agro-pastoral customs (Adam, 2008: 109) and, despite all these common heritage issues, clan differences have become a defining feature of the Somali conflict, and General Siad Barre was no exception in using clan differences for personal and political gains. The political divide was formed equally in accordance with clan patronage and affiliation. In 1976, the SRC was dissolved with the formation of the

Somali Socialist Revolutionary Party (SSRP) that was intended to project the transition from military to political rule in a controlled environment where the SSRP was the only political formation in Somalia.

According to Lewis (2002: 222), the SSRP had a Central Committee of seventy-three members and a Political Bureau of five. The decision making structures of the party were dominated by three clan groups, the Marjeten, the Ogaden and the Dulbahunte. This trio was known by the code name 'M.O.D' discussed earlier in this chapter. All these clans belong to a higher level of the Darod domination of the Somali political space. The transformation from a military to a civilian government was completed in 1979 with the adoption of a new constitution. Subsequently, a civilian presidential system was established, and widening of the political power base of the president became evident (see Brons 2001: 174).

General Siad Barre was sworn in on 27 January 1980 as president to serve his first six-year term under the new constitution adopted in August 1979 by a public referendum. Meanwhile, defeat in the Ogaden War had created new challenges for General Siad Barre; resistance to his regime was spreading throughout the country (see chapter four). According to Brons (2001: 175), in October 1980, General Siad Barre invoked Article 83 of the Somali constitution and declared a state of emergency, and in the same month, he revived the institution of the SRC and instigated the creation of similar councils in all regions and districts. Under emergency rule, the country returned to the 1969 military style rule, and this was a signal that General Siad Barre regime was failing to rule the entire country effectively, which suggests some level of state failure. The return to structural military institutions was a vindication of the emerging anarchy. In this context, Kasfir (2004: 61) identifies internal anarchy as one of the fundamental causes of state failure.

Brons (2001: 175) states that the political institutions of the military state, which supposedly reflected a model of democratic centralism in political practice, left no

significant room or stable mechanism for the transfer of political power to democracy, thus closing the door on a possible transition to a civilian and democratic rule. State authority and administration relied on coercion rather than on fair competition between the various social forces operating within society. In this context, the legitimacy of the government remained a contested one among Somalis.

By 1987, the MOD cabal started to fragment due to the Marehan clan ministers operating outside the MOD framework, by this time, General Siad Barre had consolidated power in his Marehan clan to the exclusion of his other clan partners. To this end, Lewis (2002: 256) estimates that as much as half of the senior officer corps belonged either to General Siad Barre's clan or related clans, the proportion being even higher in the artillery and tank brigades based in the capital's new southern command unit headed by Siad Barre's son General Maslah. In this context, Lewis (2002: 256) contends that for the members of the other clans, these developments seemed to indicate that the Marehan were building a defensive clan laager which was a far cry from the earlier MOD tripartite alliance of the Marehan, the Ogaden and the Dulbahunte.

The growing suspicion regarding Siad Barre and his Marehan clan acting in bad faith by the Ogaden and Dulbahunte factions fractured the alliance and eventually compelled General Siad Barre to abandon the MOD framework and fall back defensively on the support of the most loyal segments of his own Marehan clan (see Lewis, 2002: 260). Adam (2008: 120) argues that even though Somali clans normally compete, occasionally they are in conflict and even resort to violent warfare, but traditional mutually reciprocal relationships deter them from attempting to impose permanent domination, to this end, Siad Barre used a modern well-trained and well-equipped army to impose a clan hegemony, thereby transforming the unranked clan pattern into a ranked system. Significantly, Siad Barre used a divide and rule strategy and armed his Marehan clan to fight what he referred to as the enemy clans. In the eyes of Siad Barre, these enemy

clans were the clans that were opposing his military regime, mainly, the Isaaq and Hawiye. These coercive approaches further alienated the regime from other clans, including some Darod sub-clans.

Although General Siad Barre was skillful at using the Cold War superpowers' rivalry to his advantage, the political changes in the Horn of Africa were misread by the military government. In this regard, the 1974 Ethiopian revolution brought an end to the rule of Emperor Haile Selassie. Importantly, the pro-Soviet Mengistu Haile Mariam was a dominant political force in the new Ethiopian political landscape. Subsequently, in December 1976, the Soviet Union agreed to deliver military aid to the Mengistu regime. Consequently, the US military advisors were expelled from Ethiopia in 1977 and Jimmy Carter started placing more emphasis on human rights as the cornerstone of American foreign policy. The emphasis of the US foreign policy effectively created a challenge for both the Ethiopian and Somali governments (see Brons 2001: 181).

Despite all these political realignments in the Horn of Africa, General Siad Barre launched the Ogaden War against Ethiopia in 1977, hoping for Soviet support, which turned out to be a fatal miscalculation with serious consequences for the general and his supporters in Mogadishu. General Siad Barre failed to read the Cold War's ever changing political dynamics and adjust to the new realities in the Horn of Africa, or to acknowledge that the military balance of forces had changed in favour of Ethiopia and that a war with Ethiopia would guarantee his defeat. In this regard, the cost of the Ogaden War was extremely high, both in terms of human and financial resources; the political price was equally high for General Siad Barre regime's political survival. Lewis (1994: 223-224) argues that the defeat of Somalia in the Ogaden War was followed by a huge refugee influx estimated at a million Ogadenis into Somalia in 1978 and 1979, creating immense problems for the Somali state's capacity that became increasingly dependent on humanitarian aid from the Western block bilaterally and via the United Nations High Commissioner for Refugees (UNHCR) (see chapter four).

3.6 The collapse of the Somali state (1991)

One of the basic functions of the modern state is to provide internal order and security (Lobell & Mauceri, 2004: 2). In this regard, Clapham (2004: 80) observes that the idea of statehood readily underwrites the assumption that states provide “the only legitimate and acceptable form of rule, and that all of the world’s people, and all of its territory, therefore” have to fall under the control of a designated state. With respect to the collapse of the Somali state, Gebrewold (2005: 203) argues that the phenomenon that intensified state collapse in Somalia was the emergence of numerous factions with their own militia groups. Central to the Somali state failure was the loss of the monopoly to use violence, which was controlled by a number of factional militia groups. These militia groups controlled various parts of the country and are were in some instances, supported by their clan elders. This phenomenon of clan-based militias, was first introduced by General Mohammed Siad Barre after the 1978 Ogaden War, and was taken further during the period leading to the fall of the military regime in 1991. When Siad Barre’s regime fell in 1991, it had the unintended consequences of state collapse and total disintegration of the Somali state. Siad Barre became a principal warlord once he started to unleash the full might of his army against the civilian population in Hargeisa and Mogadishu.

General Siad Barre was instrumental in introducing civil militia groups in to the Somali political landscape. Some of the bases for the emergence of the government militia group in Somalia were rooted in the political economy of the Marehan clan, including defending the social, political and economic interests of the clan. General Siad Barre was able to manipulate his clan by linking the threat to his government to that of the entire Marehan clan. Government militia groups were located within the broader framework of the state-centric militia groups, and their task was to protect the government of the day, in this context, General Siad Barre’s military government.

The protracted Somali conflict has shown a unique form of resistance to resolution. In this regard, Menkhaus (2004: 16) asserts that the most dramatic and unique aspect of the Somali crisis has been the complete and protracted collapse of the central government. There has been no functional central governing authority in Somalia since January 1991; efforts to re-establish a central state have been both numerous and unsuccessful. However, it must be pointed out that the fall of a government does not necessarily equate to state collapse, particularly in stable states. The basic assumption is that the threat of state collapse unsurprisingly arises in countries in which the preconditions for state formation and maintenance were most uncertain in the first place, and it derives from the relatively recent assumption that the entire world should be divided into states (See Clapham 2003: 27).

When General Siad Barre seized power in the military coup of 1969, the Somali state was nine years into its formation and visible structural weaknesses as discussed earlier in this chapter were omnipresent. General Siad Barre destroyed the rudimentary structures of a democratic state such as the legislature, the judiciary and the civil service. Therefore, the state collapse was not a chance event, but a process, which began in 1969, and culminated in the fall of his regime in January 1991. Significantly, the fall of the Siad Barre regime created a vacuum with no viable alternative to govern the country. Similar to other state collapse phenomena, the Somali state collapse was marked by the loss of control over political and economic space (Zartman, 1995: 9).

The state collapse in Somalia was compounded by the prevalence of civil militia groups fragmented in terms of clan lineage and patronage. A devastating drought and ensuing famine introduced food security as a new source of conflict during the 1980s. The absence of a political party capable of providing leadership was a major factor in the disintegration of what was left of the Somali state infrastructure. Zartman (1995: 10) argues that the ultimate danger sign in state collapse is when the center “loses control over its own state agents, who begin to operate on their own account.” Officials exact payment for their own pockets, and law and order is consistently broken by the agents of law and order, with the police and army units becoming gangs and brigands. This description of state collapse was prevalent at the time of the fall of the Siad Barre regime in 1991 and it was conducive to the emergence of the warlords in Somalia.

3.7 The emergence of warlords

The use of clan differences as instruments for perpetuating clan dictatorship and hegemony over other clans, the absence of a leadership capable of defining broader issues of national interest and the absence of institutions of good governance due to military rule, created conditions conducive to the emergence of civil militia groups. In this context, Gebrewold (2005: 203) argues that the phenomenon that intensified the state collapse in Somalia was the emergence of numerous factions with their own militia groups in the late 1980s. These groups were created in terms of clan affiliation and lineage. The militia leaders were later referred to as warlords, and they were motivated by the political economy of violence through arms sales, the smuggling of goods across borders, illicit commercial practices and the battle for control of humanitarian food supplies following the drought and famine, in what was known as the “triangle of death” referring to the catastrophe caused by famine and the civil war in 1991, particularly in Mogadishu, Baidoa and Kismayo. These dynamics set the scene for the emergence of a new breed of warlords in Somalia. The warlords, who had much to gain from their activities, had gained prominent control of the country by exploiting inter-clan animosities, and using clan differences as instruments of perpetuating their stranglehold on the collapsed Somali state.

Defeated Said Barre army generals also became warlords at the time that political structures which had formerly legitimised them, collapsed in 1991. Young gangsters, whose explicit role model was Rambo (Lewis, 2002: 265), provided fertile grounds for recruitment by clan-based warlords. Lewis (2002) further suggests that mayhem, looting and killing became widespread in Mogadishu. Business people were also compelled to create their own militia groups to protect their interests in view of the prevailing anarchical situation in the country. Due to the prevailing state of affairs, business people aligned themselves with warlords where possible. In this context, businessperson Mohammed Ali Mahdi was among the first people to provide financial

support to his family-clanship ally, General Mohammed Farah Aideed's United Somali Congress (USC); they later fought each other for control of the USC (see chapter four).

The emergence of civil militias in Somali is an indication of the failure of a state to address fundamental issues of human securities, which is the responsibility of a functioning state (see Yoroms, 2005: 31). Yoroms argues that a standing army was constructed by the state as a guardian to protect the society against threats. The absence of a functioning state to perform this function allowed individuals in Somalia to take it upon themselves to create militia groups to do what the state was supposed to do. The creation of clan-based civil militias introduced a security dilemma within the Somali clan political system, and this situation was compounded by the proliferation of arms following the looting of state arms depots after the state collapse in 1991. In this regard Gebrewold (2005: 203) argues that the fall of Mengistu regime in Ethiopia and Siad Barre in Somalia have been some of the main reasons for an abundant supply of weapons in Somalia since the beginning of the 1990s, and the proliferation of small arms in particular.

In 2005, the author visited Mogadishu and Jowhar and was able to observe some form of an unwritten pact of territorial distribution among warlords. The warlords were from the Hawiye clan and they referred to themselves as "Hawiye leaders" and they were based in Mogadishu, with the exception of Mohammed Dhere, who was the principal warlord in Jowhar, hailing from the Abgal sub-clan. The Mogadishu warlords reflected the Hawiye dominance in the national capital city, and they were Mohammed Qanyere Afrah (Murosade), Musa Sudi Yalaho (Abgal), Omar Muhmoud Finnish (Abgal), Ali Osman Atto (Habr Gidir Saad) and Rashid Rage (Habr Gidir Ayr). These militia leaders were all from the Hawiye clan, which assumed a dominant role in the capital city politics, and Mogadishu happened to be the main economically viable area of Somalia.

The avarice of these predatory warlords, who were united by their desire to generate maximum profit from the political economy of violence through arms sales, smuggling

and other illicit commercial practices and transaction (see Crocker, *et al* 2009: 495). The Mogadishu-based warlords concluded a pact that would allow them to continue plundering the country without offsetting the delicate balance of military power among them, at the same time fundamentally enhancing their political standing. To this effect, they realised that any form of official political power was not in their interest, as their interests were best served by the absence of a central government in Somalia. In this regard, militias are no longer a threat to the state, but the creation of a state is a threat to civil militia groups.

The Transitional Federal Government (TFG) is a creation of contesting militia groups, which reached a fragile agreement to divide the spoils of the conflict by creating an illusionary power-sharing political structure with the hope to legitimise their continued plunder of the country. In this context, the TFG was a civil militia group contesting for power with other powerless civil militia groups such as the Al-Shabaab, and other clan-based civil militia groups outside the TFG configuration. The third generation theory is founded on the unwritten understanding by militia groups to prevent the creation of a state in their country at all costs. Because of this evidence, an argument can be made that a third generation civil militia group exists in a situation where there has been a total collapse and disintegration of state institutions. In its place, a plethora of civil militia groups have emerged, that these armed groups have no claim to central power, and they are contend with the prevailing situation, because assumption of state power may entail some level of responsibility that may not be in their interests. The polarised clan political dynamics are at root of the clan military balance of forces. In this context, Al-Shabaab is supported and abated in the by the Habr Gidir clan.

The third generation civil militia groups may have informal arrangements not to engage each other in combat, because their survival and interests are better served by doing business with each other. The third generation militia groups are often reluctant to engage in combat continuously, unless their strategic interests are threatened by a rival

group. They are acutely aware that when two powerless forces engage in a war for power, there is ultimately no winner in such a scenario, thus, their conflict may be to ensure a military balance of forces among themselves. The delicate balance of forces is fundamental for the existence of this category of militia group.

The legacy of General Said Barre's rule is the total destruction of political parties in Somalia and the creation of clan-based militia groups. Brons (2601: 208) indicates that the two main developments occurred as a result of cleavages within the southern Hawiye community. First, in January 1989, the diaspora member of the Hawiye clan founded the USC in Rome, (see also Lewis, 2002: 262). Second, in May 1990, the so-called "Manifesto-group" emerged in Mogadishu, initiated to a large extent by influential Hawiye clansmen within Mogadishu capital city. Lewis (2002: 262) took the issue further by arguing that General Mohammed Farah Aideed was the leader of the USC when it was formed in Rome. While in the north, the Somali National Movement (SNM) was a party of choice for the Isaq clan, the Ogaden clan was affiliated to the Somali Patriotic Movement (SPM). Political parties formed during and after the fall of General Siad Barre were founded along the strong man syndrome, reflecting the dictatorial tendencies of General Siad Barre's rule.

The Somali Salvation Democratic Front (SSDF) led by Abdullah Yusuf Ahmed represented Darod clan, General Omar Hagi-Mohammed Hersi (General Morgan) was the leader of the Marehan clan-based Somali National Front (SNF). General Morgan was also referred to as the "Butcher of Hargeisa" by the northerners because of his involvement in the killing of civilians in Somaliland during the Said Barre regime. The Somali Democratic Movement (SDM) was a party of the Digil and Mirifle. These parties were civil militia groups rather than political parties, representing their clan lineage. Lewis (2002: 263) argues that the general situation vividly recalled the description of Burton and other nineteenth-century European explorers: a land of clan (and clan segment) republics where the would-be travelers needed to secure the protection of each group whose territory he sought to traverse.

According to Van Notten (2005: 84), it has been said that the Somali nation is organised as a confederation of sovereign families and further argues that such a term suggests the existence of an organisation exercising a guiding co-ordination function throughout the nation. In actual fact, there is no political structure to manage tension among different clan political units. In reality, political representatives of different clans are civil militia groups as discussed earlier in chapter two. Given that civil militia formations did not have a political blueprint for the formation of a central government following the fall of the Siad Barre government in 1991, yet, they all had armed men to defend their interests, despite the fact that they could not define such interests in political terms. In 1991, the USC/Manifesto faction claimed the leading role in the re-establishment of a government, there was an intense intra-clan battle in Mogadishu and the complete collapse of the Somali State causing chaos and anarchy in the entire country (see Brons 2001: 213). The absence of political parties with a comprehensive agenda for radical transformation of the Somali conflict is a fundamental shortfall, and will be the subject of analysis in chapter five when exploring the peace process in Somalia.

3.8 Conclusion

This chapter concludes that the Somali Republic was established under conditions of global uncertainty created by decolonisation in Africa and the dynamics of the Cold War. The Somali Republic was faced with challenges of creating a democratic state with checks and balances, yet however noble the ideas of building such a state may be, it was clear that without a leadership corps capable of transcending parochial clan political interests such an ideal would be difficult to attain. Although the Somalis have a common language, religion and race, clan identity is a matter that has been used as an instrument of political power and accumulation. There is no distinction between those who use clans for their political objectives and those who use ethnicity, race, tribe and other related identities to further their political objectives. Therefore, clan identity

cannot be divorced from ethnicity, because clan identity serves the same purpose. The clan political system is not a new phenomenon in Somalia; General Siad Barre's military government was instrumental in the introduction of ethnic politics in this regard. The Somali form of Islam (Sunni) is in direct conflict with Al- Qaeda's Wahhabi sect and this chapter concludes that it is therefore without basis to link the Somali civil militia groups with the Al- Qaeda international terror group, rather, the Somali conflict should be evaluated on its own merits.

The conclusion is drawn that the Cold War and the weak state phenomenon were instrumental in the failure and the eventual collapse and disintegration of the Somali state in 1991. The absence of a dynamic leadership played a critical role in the disintegration of the state; conditions for this were created by colonial powers at the time of the new state creation in 1960 as evidenced by a large number of state failures in Africa during the 1960s. This chapter also argues that the union of the Somali Republic in 1960 was legitimate and legal, in this context, the national assemblies of both the former British Protectorate of Somaliland and the former Italian Somali in the south voted for the union, the assemblies were the necessary legal instruments to validate the union. Therefore, the current discourse and claims that the former British Somaliland was fraudulently incorporated in the union is without basis, and Somaliland remain an integral territory of Somali as constituted in 1960.

The approach of this chapter was to chronicle the political evolution of Somalia starting with the granting of independence in 1960 to 1969 military coup by General Siad Barre. During the period leading to the military take- over, Somalia did not have political parties with a clear developmental agenda that put the aspirations of all Somalis above any individual or single clan interests. Thus, the military takeover was initially hailed as a progressive development by most Somalis. The military regime, however, reversed initial gains made at independence by outlawing all political parties in 1969. The state collapse and disintegration in 1991 was started at independence and taken further by General Siad Barre. Chapter four will provide an analysis of the military confrontations,

particularly during General Siad Barre's military rule, and most importantly the period after the fall of General Siad Barre's regime in 1991 and the creation of the Somali militia state.

In this chapter, the observation is also made that Somalis have their indigenous conflict resolution methods that were not utilised by the international community during the conflict resolution process since the collapse of the Somali state in 1991. The lesson drawn from the Somaliland process of conflict resolution is that it integrated indigenous conflict resolution approaches effectively during the Boroma Peace Conference, thus it succeeded in resolving the conflict in that part of the country. Lewis (2002: 283) attributed the success of the Boroma process to the domestically produced Peace Charter based on indigenous conflict resolution approaches. Failure of the early resolution of the conflict in the rest of the country has significantly contributed to making the conflict intractable, and has created the basis for the failure, collapse and disintegration of the Somali, which provided the conditions conducive for the emergence of the third generation militia groups.

Clan identity plays a major role in defining the "who" of the Somali conflict. Similarly, militia leaders have relied on their clansmen for young militia recruits and patronage. The clan security dilemma is a factor used by current militia leaders to remain relevant for their clansmen and perpetuate the protracted conflict in Somalia in the same manner Siad Barre did during his rule. Although international diplomacy in the Somali conflict resolution process has recognised the centrality of an inclusive process that takes the interests of different clan political formations into consideration, little was done to integrate the clan political system in the same manner that the Boroma process has done in the north of Somali (Somaliland). Clans have instead become bargain instruments during the peace process explored in this research. Both the state building and liberal peacebuilding strategies failed to connect with their local target populations. They ended up buttressing problematic elites and their often chauvinistic, nationalistic or personal interests, and lack a connection in terms of context, on the ground, among

populations that have their own understandings of identity, sovereignty, institutions, rights, law and needs according to their own socio-historical and cultural traditions and context (see Richmond, 2013: 379).

Chapter four

Anatomy of the Somali conflict

4.1 Introduction

The contemporary conflict in Somalia has its roots in the imperial expansionist policies of Emperor Menelik II's of Ethiopia, extended Ethiopian rule over the long independent Muslim emirates of the Hera and over Western Somalia successfully between 1887 and 1897. Thus, according to Lewis (2002: 41); Lewis (2005: 40-131) and the Federal Research Division (1992: 58) by the turn of the 19th century the Somali peninsula, one of the most culturally homogeneous regions of Africa was divided into British Somaliland, French Somaliland, Italian Somaliland, Ethiopian Somaliland (Ogaden) and what came to be called the North Frontier District (NFD). Ethiopia was largely a Federal state with a subsistence economy that required its occupation army to live off the land, thus, the Ethiopian army repeatedly despoiled the Ogaden over the last two decades of the 19th century, according to the Federal Research Division (2010: 58).

There is no single issue that causes a conflict, the Somali conflict, in this regard, is the result of a plethora of issues. The eclectic concept holds that conflict is the product of a confluence of cultural, economic, historical political, social and other factors. This theory suggests that any one variable is insufficient to explain the complexity of the war. Thus the individual and regional disparities, political repression, the abuse of human rights, the concentration of power at the political centre and the willingness of neighbouring states to interfere in domestic political conflicts can all contribute to conflict (see Abdullahi, 2007: 48). As stressed before, the protracted Somali conflict has become resistant to peaceful resolution resulting in the transformation of the country into balkanised militia enclaves, formulated along clan divide.

Although the sources of the Somali conflict date back to the imperial partitioning of the country in 1897, the contemporary conflict is driven by a plethora of issues and the conflict remains mostly intra-Somali in character. In the recent past, the conflict has drawn in neighbouring countries, mainly due to the fears and apprehensions of the Pan-Somali ideology. The ideology is founded on the notion of a greater Somalia based on the pre-imperial partition of the country that included the Ogaden, Djibouti, Northern Somalia (Somaliland), NFD of Kenya and Southern Somalia. The latter is what remains of the ideal greater Somalia as others have ceased to be associated with the Pan-Somali ideological objective. The fear of Pan-Somali objectives has drawn countries from the Horn of Africa into the Somali conflict, thus creating protractability in the conflict process. This chapter focusses on the violent perspective of the Somali conflict, with a specific focus on the militarisation of Somalia by Siad Barre and implications on the current conflict. This chapter will argue that the defeat of Somalia in the 1977 Ogaden War was instrumental in precipitating the process that triggered the fall of General Siad Barre's regime in 1991, followed by a destructive civil war that is still ravaging Somalia. In this study, war will be understood as contending by force (Grotius, 2012: 23).

The concept of the 'security dilemma' and definition will mean that a security dilemma is said to occur when the breakdown of order creates a situation where individuals have to coordinate around focal points (primarily ethnic identity) resort to pre-emptive violence, or align with warmongering leaders who resort to violence because of security fears, specifically the inability to distinguish between defensive and offensive measures (Kalyvas, 2008: 20). The balkanisation of Somalia into militia fiefdoms is analysed and given context by the security dilemma analytical framework. The analysis of the Ogaden conflict provides insights into how Somalia became entangled in a war which eventually led to the civil war and the collapse of the state in 1991. Flowing from chapter three that concludes that the causes of the Somali state failure and disintegration are both historical and manmade, this chapter analyses the actors and issues perpetuating

the conflict. The role of international community and the United Nations (UN) is a subject of analysis in this chapter, as well as the implications of such involvement given the role of the UN as a custodian of international peace and security.

General Siad Barre, a member of the Marehan sub-clan of the Darod, seized political power in a military coup and renamed the country the Somali Democratic Republic, based on scientific socialism. This effectively aligned the country with the Soviet Union in the Cold War. General Siad Barre outlawed clan political formations and their structures, yet concentrated political and economic power in the Marehan, Ogaden and Dulbahunte (MOD) clans. All these sub-clans belonged to the Darod clan. This effectively meant that there was power asymmetry in favour of the Darod clan, a matter that did not augur well for other clans, particularly the Hawiye clan. Osman (2007: 95) argues that Siad Barre's government was referred to as the Marehan government by the Somalis. The clan cabal was also known as the MOD. The initial rule of Siad Barre may be described as a period characterised by a concentration of problems such as local development and consolidation of the regime's authority (Lewis, 2002: 226). The political exclusion of other clans and a crackdown on the religious establishment soon became a source of conflict between the regime and those excluded from the mainstream politics, economics and social spheres of the country.

Siad Barre pushed his repression to the limits by executing ten prominent religious leaders and Sheikhs in 1975. The execution was an attempt to limit the influence of religion on the society as espoused in Siad Barre's scientific socialism. Lewis (2002: 213) argues that the execution of these leaders had wider and more serious repercussions and touched a deeper nerve in the Somali society. When Siad Barre assumed power in 1969, he declared that his scientific socialism was fully compatible with the Somali Islamic value system even though his deeds soon proved the opposite (Lewis, 2002: 215). It is worth noting that Siad Barre promised economic development and national unity by espousing and embracing Pan-Somali nationalism, yet his military

establishment was dominated by the MOD cabal. Paradoxically, what Siad Barre created in the end was a military and clan dictatorship in Somalia.

4.2 From the Ogaden War (1977–1978) to the fall of Siad Barre (1991)

By 1977, the military regime of Siad Barre was challenged by non-Darod clans and Islamic leaders, driven mainly by the clan exclusion policies of the regime. Siad Barre then launched the Ogaden War as a means of reasserting his political grip, while exploiting the Somalis' desire for a greater Somalia, which encompasses Djibouti, Ogaden, Somaliland, the NFD of Kenya and Southern Somalia. The desire to reunite the country was a common denominator among the Somalis. Lewis (2008: 67) argues that at its height, the Ogaden War was immensely popular in Somalia and Siad Barre's public standing never higher. Samatar (1994: 117) argues that the Somali-Ethiopian war of 1977-1978 was, ironically, a godsend for the regime because everyone's deep nationalist sentiments arose as Somalis took the opportunity on that long-awaited day to recoup one of their "missing territories." But this brief moment of national excitement and glory quickly disappeared when the Ethiopian armed forces backed by their new allies (the Soviet Union, Cuba and South Yemen), reorganised and responded with devastating firepower and numerical superiority, thus swinging the pendulum in Ethiopia's favour.

In September 1974, Emperor Haile Selassie was overthrown by the Derg (the military council). The Derg then became embroiled in internal conflict. Meanwhile, various anti-Derg as well as separatist movements began throughout the country. The pro-Somali, the Western Somali Liberation Front (WSLF) operating in the Ogaden had made some military advances with the support of the Somali government. By June 1977, Mengistu Haile Mariam had consolidated his authority among all the factions of the Derg and started to accuse Siad Barre of infiltrating the Somali National Army (SNA) units into the Ogaden to fight alongside the WSLF (Surhone, Tannoe and Henssonow (2010: 1). With tacit and cautious support from the Mogadishu government, the WSLF

launched the whirlwind advance, which, by late September 1977, brought its forces to the gates of Harar in the wake of the retreat by the demoralised Ethiopian forces (see Lewis, 2008: 44). The Soviet Union now rallied in Ethiopia's defence, mounted a massive airlift of sophisticated military equipment with Russian and East German military advisers, while the Cuban and South Yemeni provided combat troops.

The Soviet support of the Derg changed the military balance of forces in favour of the Ethiopians. The Ethiopian troops mounted counter offensive attacks and inflicted heavy casualties and significant economic damage on Somalia. The war was costly for Somalia, both in terms of human casualties and financial resources. Adam (2008: 91) claims that Somalia sustained a death toll of 25 000 during the war. The country also received a burden of 700 000 Ethiopian, Somali and Oromo refugees. The country's challenge with regard to feeding all these people together with internal dissent started to threaten the political fortunes of the Siad Barre regime. The coup attempt of 9 April 1978 by officers of the Majerten (Darod) sub-clan was an illustration of the changing political landscape within the Darod clan. In this regard, Lyons and Samatar (1995: 14) further illustrate that the war with Ethiopia (1977-78) revealed Siad Barre's weaknesses and exposed the regime's hollow authority. Siad Barre sent his troops, believing that seizing the Ogaden was within his reach because of Ethiopia's post revolution weaknesses and Somalia's well-equipped military forces, but that changed once the Soviet decided to switch their support in favour of the Ethiopians, the military balance of forces swung against the Somali military forces that went to war still fragmented along clan divides.

The Somali conflict has had an ethnic diffusion impact on its neighbours with an adverse economic impact. The cost of the conflict is estimated to be 64 billion United States Dollars (US\$) according to Collier (2008: 32). The ethnic security dilemma of the Somali conflict has led to the escalation and the diffusion of ethnic conflict in the Horn of Africa region. In effect, the collapse of the Somali state has facilitated violation of the

territorial integrity of Somalia by neighbouring countries (Lobell & Dew, 2004:4). The conflict seems to have developed into what scholars call an “intractable conflict,” also known as a “protracted social conflict” (PSC), “moral” or “enduring rivalry” (see Coleman, 2006:533; d ‘Estree, 2009: 150). In 1981, Azar and Farah (in: d ‘Estree, 2009: 150) observes that PSCs represent deep-seated religious, racial and ethnic animosities that set these conflicts apart from those not involving group identity and the rights asserted and sought through these variants. The study recognises that Somalia is controlled by militia groups, often organised in terms of clan lineage and patronage. Militia groups have exploited clan differences to perpetuate their stranglehold on the collapsed Somali state, often with military brutality and abuse of basic human rights. In essence, militia groups have divided Somalia into their own sphere of political, social and military control, supported and abated by clan elders in some cases. Continued clan animosity is the fundamental basis for the survival of the militia state in Somalia. The fragmentation of Somalia into militia control areas poses a danger of the balkanisation of Somalia, which is not a sustainable option for the future of Somalia as a state. This study suggests that a militia state is the highest stage of state failure and state collapse, and it is difficult to reorganise it into the contemporary state system.

It is important to note that there are two conceptual approaches to the Somali conflict resolution process. First, the peaceful resolution of the conflict through negotiations and mediation; and the military approach, that sees the conflict within the context of war on terror by successive US administrations, that has permutations to disputants in the conflict, and countries of the region that see Somalia as the theatre for the realist balance of power struggle for regional hegemony. In this regard, Elmi (2010: 81) alleges, that the Bush administration was of the view that the Al-Shabaab leadership was trained by Al-Qaeda in Afghanistan. The perception that failed states are the breeding grounds for international terrorism is a factor that became more prominent in Washington, particularly after the 911 attacks. It is in this context that Putman (2010:

136) draws the correlation between failed states and international terrorism by arguing that the Somali crisis has demonstrated that weak or failed states are now the main sources of threat and instability in the world. Menkhaus (2004: 71), though, challenges this conventional wisdom that collapsed states constitute a safe haven for international terrorists; he argues that terrorist networks, like mafias, appear to flourish in weak and badly governed states, rather than no state at all. Badly governed states provide a conducive environment for terrorist groups and other transnational criminal syndicates to corrupt institutions of the state for their operational activities, in this regard, the terrorist groups are often assured of some level of security protection against their operations in the neighbouring countries.

Washington's views on the Somali conflict had an influence on countries of the region, particularly Ethiopia, which Elmi and Barisse (2006: 39) argue has been keeping the Somalis divided in order to maintain its hegemony in the Horn of Africa region. To this effect, Ethiopia's military incursions into Somalia have been condoned by Washington. In this regard, Putman's argument (2010: 95) that the August 2006 military operations by Prime Minister Meles Zenawi in Luug and Bula Hawa in the region of Gedo were aimed at degrading the capability of Al-Itihaad that Washington regards as an Al-Qaeda supported organisation, further illustrates how far Washington has gone in profiling the Somali conflict as an extension of the war on terror policy. Samatar, Lindberg and Mahanyi (2010: 1383) argue that US intelligence supported certain warlords due to the US policy on the war on terror. Interestingly, the Ethiopian and US support for the warlords backfired, when the Somalis rallied behind the Union of Islamic Councils (UIC) in 2006, who then defeated the warlords.

The military option to resolve the Somali conflict has been a subject of analysis by some scholars such as Lewis (2002: 302) and Elmi and Barisse (2006: 14). The monetary cost for military resolution of the conflict came at a heavy price. In this context, Adams (2008: 97) asserts that the failure of the military option came at a cost of US \$ 4 billion

between the period of June 1993 and March 1995. The argument can also be made that the resolution of the Somali conflict is again complicated by the war between Ethiopia and Eritrea, thus, the conflict has become a proxy war between the two countries in the process.

Although, the international community has projected a stance of diplomatic resolution to the conflict, a closer look at the international involvement in peace processes reveals a propensity to focus more on the military coercion used in an attempt to resolve the conflict. The coercive approach is disguised as a peaceful solution and this is reflected in the US Operation Restore Hope (ORH) of 1993, the Ethiopian invasion of 2006 and the current AMISOM deployment. The strategic thrust of the international community engagements had been predicated on the military defeat of those regarded as spoilers, often labelled as terrorists. The international mediation in the Somali conflict has been fragmented as reflected by various uncoordinated peace initiatives explored in chapter five this study.

The role of clans in the Somali conflict should not be underestimated. Although scholars such as (Menkhaus (2004); Carment & James (2004); Osman (2007); Menkhaus (2009); Elmi (2010); Lewis (2010); and Zartman (1985) claim that Somalis are homogenous in terms of religion, culture and language, the clan patronage and lineage divisions have assumed the main defining features of the Somali society, while Adam (2008: 82) argues that clannism is the Somali version of ethnicity or tribalism. An understanding of the relationship between clannism and ethnicity may provide some valuable insights into the role of the clan political structures in the perpetuation and possible peaceful resolution of the Somali conflict. The clan issue is used to perpetuate particular sectarian interests as argued by the instrumentalist school of thought. The clan factor in the conflict is further complicated by the delicate manner in which the family unit is integrated in the broader clan structures. Elmi (2010: 29) argues that clan identity in Somalia is based on patrilineal descent. They start with the first name of the

male member of the family and Somalis refer to their names as far back as twenty or more generations.

The defeat of Somalia in the Ogaden War had negative consequences for Siad Barre's continued hold on power (see Shultz & Dew, 2006: 71). Samatar (1994: 117) maintains that bearing the triple burden of the defeat in the Ogaden War, and the accompanying national humiliation, an economy on the skids, and a lack of superpower patronage, Somalis politics viciously turned inward. Because the Somalis viewed the defeat as a national humiliation, there were bitter recriminations naturally, both regarding the conduct of the military operations, directed in the end by General Siad Barre himself, and on Somali foreign policy (Lewis 2002: 242). The defeat in the Ogaden War was a monumental failure on the part of General Siad Barre, and it triggered the eventual process of his downfall in 1991.

At that time, the Somali foreign policy was founded on Pan-Somali nationalism, and Lyons and Samatar (1995: 15) point out that the defeat removed Pan-Somali nationalism as a legitimate ideology for Siad Barre's regime and that the Ogaden debacle also led to a search for clan scapegoats, with the result that clan cleavages burst into the open. Vinci (2009: 69) observes that in response to the internal insurgencies that emerged after the defeat in the Ogaden, the Siad Barre regime became increasingly autocratic and corrupt. Rather than providing protection, the state became a means of repression, and clannism increasingly became the main source of patronage and protection, thus, laying the foundation for the emergence of militia groups formed along clan cleavages.

The clan security dilemma was instrumental in the Ogaden War. The mobilisation of the Ogadeni clansmen for self-determination by General Siad Barre and the Pan-Somali ideology were seen as threatening by Ethiopia, mainly due to the presence of the Ogaden clan citizens of Ethiopia. The clan security dilemma was further compounded by enduring rivalry between the two countries dating back to the imperial partitioning

of Somalia in 1897 and the military offensive strategies of the Siad Barre regime. Under such conditions, the Ogadeni clan groups were poised for a military confrontation. The result of the Ogaden conflict has poisoned the already toxic relations between Ethiopia and Somalia, and it has further polarised any quest to find a peaceful solution to the Somali conflict and the eventual peace and stability in the Horn of Africa region (see Lobell & Mauceri, 2004; Akbaba, James & Taydas, 2008).

The defeat dealt a set blow to the ideal of a greater Somalia; the underlying realities were indeed daunting, particularly for the Darod clan that was blamed by other generally for the capitulation on a cause generally perceived to be noble by most Somalis. The abortive coup by a group of Majerten officers led by Colonel Abdillahi Ahmed Yussuf in April 1978 further polarised the already precarious clan rivalry within the Darod family clan. The coup attempt also alienated the Majerten group from other clans who regarded the abortive coup as a narrow and parochial initiative (see Lewis, 2002: 246). Abdillahi Yussuf Ahmed then formed the SSDF in 1978. The leadership of the SSDF went into exile in Ethiopia, and the party collapsed when Abdillahi Yussuf Ahmed was arrested by the Mengistu Haile Mariam government in Ethiopia that was seeking rapprochement with the Siad Barre's regime. The SSDF was subsequently reconstituted as a political entity in 1989 in Rome (Bradbury, 1994: 11).

General Siad Barre responded to the abortive Majerten coup with a heavy-handed military campaign, focussing on the north-eastern corner of the Somali peninsula in the Mudug, Nugaal and Bari regions, areas populated by the Majerten sub-clan. The Majerten clan is also found in the coastal city of Kismayo where the clan is known as Harti (the generic term for the Majerten, Dulbahunte and Warsengeli) (see Bradbury, 1994: 11). The military campaign against the Majerten further contributed to the polarisation between the MOD and other clans. The contestation was particularly acute within the Darod clan family. General Siad Barre then confronted an array of military

rebellions emanating from across the clan divide with the Hawiye clan taking the centre stage in the war against the Siad Barre regime in Mogadishu and south Galkaiyo region.

The final downfall of Barre's regime was precipitated by the emergence, in 1989, of the Hawiye-based military force, the USC led by Mohammed Wardhigly who initially sought a peaceful solution to the conflict. Mohammed Wardhigly died in June 1990 and was replaced by General Mohammed Farah Aideed, a Habr Gidir Saad sub-clan of the Hawiye (see Bradbury, 1994: 13). General Aideed favoured a military solution as opposed to other leaders in the USC such as Mohammed Ali Mahdi, and Abgal sub-clan in the Hawiye clan family. Mahdi belonged to a political group within the USC known as the "Manifesto Group," this is a group that did not support the military option to overthrow the Siad Barre regime. Abdiqasim Salat Hassan, who later became the President of the Transitional National Government (TNG) was amongst others, part of the "Manifesto Group." The USC was primarily a Hawiye political formation, dominated by the Habr Gidir and Abgal sub-clans. Confronted by military attacks by the USC, Siad Barre responded by urging Darods in Mogadishu to kill the Hawiye citizens, whether they were Abgal or Habr Gidir.

The ensuing inter-clan violence, however, threatened Siad Barre's position further and in desperation, he turned his heavy war machinery on the Hawiye quarter of Mogadishu (Lewis, 2002: 73). Siad Barre turned Mogadishu into another military front, he overstretched his capability to contain the military rebellion that was already spiralling out of control all over the country. Meanwhile, the Issaq clan under the Somali National Movement (SNM), had gained popularity in the northern part of the country (Somaliland) and was engaged in an armed rebellion against Siad Barre's regime.

The SNM combatants attacked government garrisons and briefly captured the northern cities of Burco and Hargeisa. Bradbury (1994: 12) argues that at the time of Barre's fall, an estimated 50 000 people were killed in Somaliland and 600 000 had fled to Ethiopia.

Northern opposition grew further in response to the failing economy, the collapse of political legitimacy and a premeditated repression, reawakening the long-suppressed discontent over regional disparity. The SNM would later play a critical role in the struggle against the Mogadishu-based Siad Barre regime.

Siad Barre was at war with almost every clan at the time of his fall in 1991. He had become oblivious to some sub-clans that were part of his inner political circle. For instance, in April 1989, he dismissed a powerful Ogadeni Minister of Deference, Aden Gabiyo, from his portfolio, which sparked a mutiny among Ogadeni soldiers in the southern port city of Kismayo. This led to the formation of yet another armed opposition group, the Somali Patriotic Movement (SPM). SPM was led by the brother-in-law of Aden Gabiyo, General Bashir Beliliqo (see Bradbury, 1994: 12). The sacking of Gabiyo arose mainly out of fear on the part of other sub-clans within the MOD cabal that Ogadenis were dominating the military establishment. However, Bradbury (1994: 12) argues that mutiny in Kismayo had its roots in a protracted conflict between the Marehan and the Ogadeni sub-clan pastoralists over the resources of the Juba region.

Resources now came into the equation as the underlying source of conflict between clans. This became more apparent as state resources were heavily depleted due to the conflict against the Siad Barre regime. Commenting on the clan conflict over resources, Menkhaus and Craven (2003: 172) argue that even before the fall of Siad Barre in January 1991, economic projects were the site of clashes between government forces and the SPM, led by Colonel Omar Jess in 1989 and clashes at the Mogambo irrigation project led to the evacuation of the Australian management team and the closure of the project, which was completely looted.

Hoping to deprive the government of revenue, the SPM attacked the Juba sugar project in 1990 and a sugar plantation. In that instance, however, the British management team chose to broker a security arrangement with the militia rather than evacuate and they thus continued to produce sugar until January 1991 when the Somali state totally

collapsed. The British management action is indicative of the symptoms of a collapsing state where deals are made with armed groups because the centre is no-longer holding; Somalia was no exception to this phenomenon. The same behaviour of militia groups making business deals with other states is emerging in Libya, Syria and Iraq.

The May and June 1988 uprising in the north of Somalia were the most significant events that inspired Somalis to intensify their armed rebellion against Siad Barre (see Sahnoun, 1994: 5). The October 1989 mutiny by Hawiye soldiers in Galkaiyo and the subsequent killing of 200 Hawiye civilians sparked a civil war throughout the central regions of Mudug, Galgaduud, Hiraan and the towns of Dusamereb and Beletweyn. Siad Barre's army retaliated by bombing villages and massacring civilians on a scale that matched those against the Isaac and Majerten (see Bradbury, 1994: 13). A full scale uprising in Mogadishu led to the eventual fall of Siad Barre regime on 26 January 1991 (see Tadesse 2002: 27). The undermining of the regime in the capital by the military resistance was crucial in inspiring the resistance movement across the country and proved that the regime was not as invincible as some may have thought.

The economic weaknesses of Somalia were a significant contributing factor to the fall of Siad Barre regime. Little (2003: 85) argues that rumours of the Rift Valley Fever (RVF) had a serious effect on the cattle export to Saudi Arabia in 1983 and had a direct effect on the economic failure leading to the fall of Siad Barre in 1991. The banned cattle export by the Saudi authorities was not lifted even after the evidence by the Food and Agriculture Organisation (FAO) pointed to the contrary.

4.3 The post- Siad Barre conflict

On January 27 1991, a popular uprising and general breakdown in security drove the Somali president Siad Barre from his bunker in the ruins of Mogadishu into a tank that eventually took him into exile (Lyons & Samatar 1995: 7). Siad Barre's departure marked the end of a chapter in the Somali conflict, by the same token, it marked the beginning of a future riddled with uncertainty for the Somali people. The fall of Siad

Barre had the unintended consequences of the Somali state's disintegration, total collapse and the emergence of a militia state. When the General Siad Barre government fell, there was no strong political formation capable of filling the vacuum left by the collapsed government of Siad Barre.

The departure of Siad Barre from Mogadishu left a power vacuum that pitted the USC Hawiye militia leaders against each other. General Mohammed Farah Aideed and Mohammed Ali Mahdi could not agree on how to share power. General Aideed was supported by his Habr Gidir sub-clan, while Ali Mahdi was supported by the Abgal sub-clan. Mahdi seized the initiative and set up a government while General Aideed was pursuing the fleeing Siad Barre and his forces. According to Lyons and Samatar (1995: 22), Mohammed Ali Mahdi proclaimed himself the interim president and began appointing the cabinet.

The unilateral establishment of a government by Mahdi was considered provocative by General Aideed. The city of Mogadishu then became a battlefield between the two powerful militia personalities and quickly engulfed what was left of the capital in a protracted bloodbath, killing an estimated 14 000 and wounding three times that number, according to Lewis (2001: 264). Lyons and Samatar (1995: 22) conclude that the fight between the two militia personalities eventually involved their sub-clans, Abgal and Habr Gidir was a desperate struggle to win public office and the financial benefits such a position promised (see also Shultz & Dew, 2006:75).

Ferocious fighting extended outside Mogadishu, spreading devastation and starvation through most of southern Somalia (Lewis, 2002: 264). The aftermath of Siad Barre's departure saw Mogadishu turned into a battleground, not only confined to factions within the Hawiye sub-clans, but the Hawiye attacked the remaining Darod clansmen and raped their women. Lewis (2002: 264) argues that the individual who stayed would be challenged to give his name and genealogy, and his life could hinge on this. The forces loyal to Siad Barre regrouped along the Juba River. The forces were under the

command of General Morgan, the son-in-law of Siad Barre. The forces decimated the riverine areas as they were retreating towards the port city of Kismayo. Given that agriculture and livestock production was devastated, famine spread in the arable riverine areas triggering a human catastrophe which forced the international community to intervene.

On 18 May 1991, the SNM unilaterally declared the independence of the northern region to form the Republic of Somaliland. The North East Region (Puntland) under the SSDF established an administration for the regions of Mudug, Nugaal and Bari. The decision by the two regions further reflected clan political divisions within the country, and the extent to which some clans were prepared to divide the country along clan lineage. In 1992, inter-clan warfare had declined and was replaced by the armed looting of food aid, thus compounding the deadly famine that at its height, was killing 1000 people per day according to Bradbury (1994: 15). Lewis (2002: 165) estimates that as many as 300 000 people perished from famine and about a million sought refuge in Kenya, Ethiopia, Yemen, Europe, Scandinavia and North America. Somalia came to be divided into semi-autonomous regions, represented by clan-based military organisations and administration (see Bradbury, 1994: 16).

Bradbury (1994: 16) argues that Mogadishu became the centre of conflict with about 30 military groups competing for control of the city at the end of 1992. These groups claimed control of different areas of the city, thus marking the emergence of warlord structures that were to become a permanent feature of the Somali conflict. These quasi-military structures of governance virtually meant that Somalia was under control of persons who were not accountable to any formal political structures. They subjected the civilian population to brutal and inhuman forms subjugation and terror.

4.4 Emergence of civil militia groups

The political power vacuum left by the fall of Siad Barre's government in 1991 and the subsequent collapse of the Somali state were the ingredients of the emergence of the

warlords and civil militia groups in Somalia. The source of militia recruits for the warlords is done in accordance with clan segment and patronage. The warlords, in turn, promised to provide security to their clansmen to ensure that their recruitment base for the new militias was secured. Lewis (2002: 265) posits that the term “warlord” was first used by foreign journalists in Somalia. The warlord militia structures are a reflection of their clan affiliation, and they targeted the young gat-chewing and ignorant recruits. These young militias have been responsible for some of the horrendous mayhem in the Somali conflict.

The interdependence between clan structures and warlords should be analysed within the broader framework of the literature on the primordial view of identity which argues that the clan identity and clannism that are often associated with it, are the main culprits for the initiation, escalation and perpetuation of conflict. In contrast, those who have an instrumentalist view of identity contend that identity is used in order to obtain resources or achieve power objectives (Elmi, 2010: 35; see also Wolff, 2006; Smith, in Brown, 2001). From the instrumentalist’s point of view, the relationship between civil militia leaders and clan elders is driven by the desire of militia leaders to achieve and perpetuate their political and economic interest accrued from the war economy.

The political economy of violence through arms sales, smuggling, illicit commercial practices and the battle for control of the humanitarian food supplies following the drought and famine in what was known as the triangle of death (Mogadishu, Baidoa and Kismayo) in 1991 set the scene for the emergence of warlords and militia groups in Somalia. The warlords had much to gain from their activities and they have gained prominence by exploiting inter-clan animosities. Furthermore, the defeated Siad Barre generals also became warlords (Lewis, 2002: 265). Businesspersons were the logical people to become warlords given their financial resources to finance the war. Mohammed Ali Mahdi was among the first people to provide financial support to General Mohammed Farah Aideed’s USC, although these two later fought each other

for control of the USC. Ali Osman Atto is another businessperson who became a warlord; he also started by providing financial support to General Aideed, he then fought a fierce battle with him over control of the Habr Gidir Saad. The feud ended with General Aideed losing his life and Ali Osman Atto emerging as victor and assuming leadership of the Saad sub-clan.

Musa Sudi Yalaho was also a businessperson who became a warlord. He hailed from the Abgal sub-clan of the Hawiye family clan, thus becoming a logical competitor to Mohammed Ali Mahdi in the battle for the soul of the Abgal. Lewis (2002: 276) pronounced that Musa Sudi Yalaho was destined to replace Mohammed Ali Mahdi as a leading Abgal warlord and this was to find some resonance later. Indeed, Musa Sudi became a dominant figure in the Abgal clan politics. This dominance would later earned him a seat at the clan configured Mbagathi peace process in 2004. The Mbagathi peace process is a subject of analysis at a later stage of this research.

Contestation for control of the clans was not only confined to the Hawiye clan and its sub-units. The Darod clan was also facing the same challenges. Abdillahi Yussuf Ahmed, from the Majerten sub-clan, was engaged in an intra-clan battle with General Mohammed Abshir, the former commander of the Somali police and the chairman of the SSDF. The two then formed a united front against Al-Ittihad fundamentalists in Bossaso and they eventually won. Lewis (2002: 286) regards the Al-Ittihad defeat as a turning point in the establishment of the autonomous region of Puntland. The SSDF leadership never harboured secessionist tendencies – the internal clan rivalries were rather driven by the issues of how to share Bossaso's revenue among all the constituents of Puntland. Intra-clan rivalry continues to remain a permanent feature of the Somali conflict.

Because there was no system of governance as reflected in the modern state system, Lewis (2002: 288) argues that the absence of a formal modern institution of government in the region led to the increase and extension of duties and power of local lineage

elders (collectively known as the Isimadda), especially the enhancement of the duties of those presiding over paying groups and who were directly concerned with the administration of customary law. Presiding over customary law in a situation of total state disintegration and civil militia threats and intimidations, further compounded and compromised the process of fairness and justice in Somalia.

The complex Somali clan system is a subject of continuous academic research and discourse, given its impact on the peace process in Somalia. The civil war ravaging that country has evolved and clan complexities are a factor which requires attention in order to find a lasting solution to the conflict. When analysing the clan system, Brons (2002: 110) declares that at all levels of lineage segmentation, alliances (*xeer* contracts) can be made and splits occur. In this context, Adam (2008: 125) emphasises that when clannism attempts to impose clan hegemony, defensive clannism unleashes a struggle for social justice and equality. Instrumentalists will argue that clan affiliation is used as a political tool to mobilise support. Reflecting on the complex nature of clans, Adam (2008: 123) observes that the ingredients of clannism go beyond crude and cynical elite manipulation and beyond “false consciousness. That clan consciousness is partially anchored in real socioeconomic processes and attains vitality in civil society. Albeit that there have been instances where the conflict occurs within the same clan or sub-clan for that matter, as was the case in 2002 between Musa Sudi Yalaho and Omar Muhamoud Finish. The two belong to the Abgal sub-clan of the Hawiye, and their conflict was mainly driven by vying for political power at the peace process in Kenya, which culminated in the Mbagathi peace process in 2004. Siad Barre has left a legacy of divide and rule and in this context, Adam (2008) again argues that Siad Barre singled out the Issaq clan for server collective punishment.

The Ogadenis were used by Siad Barre to fight their Issaq hosts following their exodus from the Ogaden as a result of the defeat in the 1977-78 Ogaden War with Ethiopia, further compounding the already precarious situation in northern Somalia. The

brutality against the Issaq was led by Siad Barre's son-in-law, General Morgan, who is today referred to as the "Butcher of Hargeisa." The war between General Aideed's and Mohammed Ali Mahdi's USC factions over the control of state power turned Mogadishu into another Beirut according to Adam (2008: 129). General Aideed was a Habr Gidir Saad, while Mohammed Ali Mahdi is an Abgal. They were not only members of the Hawiye clan-family, but they also came from a common Hawiye sub-branch, the Hiraab. Adam (2008: 122) asserts that personal vendettas among the two leading personalities were transformed into all-out clan warfare. (also see Menkhaus, 2004: 29).

Lewis (2002: 264) argues that following the defeat of Siad Barre in 1991, ferocious fighting extended outside Mogadishu, spreading devastation and starvation through most of southern Somalia. In the process, those who suffered most were the more pacific, locally based Digil Mirifle (Rahanweyne) cultivators, who lacked the manpower and munitions, and were forced to desert their fields and flee from the savage onslaught of the roving militias. The Darod and Hawiye were turned into enemies mainly by the Siad Barre's divide and rule strategy. At the heart of this strategy was the battle for scarce resources, particularly grazing land. Thus, the feud between the Habr Gidir Saad and the Majerten in 1993 was caused by General Aideed's desire to acquire the grazing rights in the Mudug region. General Aideed was eventually defeated and the region was then divided into two parts: the northern Galkayo became inhabited by the Harti and the south became home to the Habr Gidir Saad. After having defeated General Aideed, the SSDF leadership decided to participate in the 1993 Addis Ababa peace process and accepted its terms (Lewis, 2002: 287). SSDF participation at the Addis Ababa peace process will be a subject of analysis when exploring the peace processes at a later stage of this research.

The tragedy of the Somali clan system is that the majority of the political parties formed during and after the fall of the General Siad Barre regime, were formed in accordance

with clan lineage and patronage. All these parties were formed to represent the parochial political interest of a particular clan. In the process, these parties have failed to develop coherent political and policy positions that could appeal to the general population and provide viable solutions for the resolution and reconstruction of the country.

The clan political structures became critical units for clan survival during the civil war, and clan elders have emerged as peace brokers in cases where the continuation of an intra or inter-clan conflict threatens the very existence of the unit. The observation of clan elders' interventions was made when the conflict broke out between Musa Sudi Yalaho and Omar Muhamoud Finish in 2002. The Abgal clan elders intervened and ordered the two factional leaders to end their conflict. The final outcome of the intervention was the creation of two militia groups within the Abgal sub-clan that did not weaken the sub-clan compared to what could have come out of a protracted intra-sub-clan conflict. The two factional leaders had no other option but to accept the compromise as refusing to do so may have led to elders imposing sanctions, which could have included a refusal to allow militia recruitment within the sub-clan, thus weakening their own military capability and that of the sub-clan. An analogy can also be drawn with the conflict that broke out between Ali Osman Atto and General Aideed. In 1996, the Habr Gidir Saad clan elders intervened to end the conflict among their clan. The intra-clan conflict eventually cost General Aideed his life. In this instance, two militia groups were created within the Habr Gidir Saad. General Aideed's faction is now led by his son Hussein Aideed. Hussein Aideed's refusal to support the Ethiopian invasion in 2006 should be seen against the background of the clan political dynamics. Going to war against the Habr Gidir clan would have been political suicide on the part of Hussein Aideed and his civil militia group, thereby essentially losing political control of his Habr Gidir Saad faction of the Hawiye and the concomitant benefits of controlling a section of Mogadishu that remains economically viable despite the civil war in Somalia.

Clan solidarity has become a sanctuary for recalcitrant elements within the broader Somali society. To illustrate this assertion, Adam (2008: 112) indicates that the negative side of clan solidarity is captured by the following: “*Tuug ba la dilee, yaa reekoodi mari,*” as “When you shout ‘kill the thief!’ Remember, you risk revenge from his clan.” Clan members are urged to participate and not to remain aloof from the struggle of their particular clan. Clan solidarity has become a fundamental part of the Somalis, and any attempt to find a durable settlement to the conflict should address the clan issue and its role in the Somali conflict, both from the primordialist and instrumentalist perspectives. Those who have an instrumentalist view of identity contend that identity is used in order to obtain resources or achieve power objectives (Elmi, 2010: 34). General Siad Barre exploited matter of clan identity to entrench the MOD cabal, and later a Marehan political hegemony over the rest of other clans.

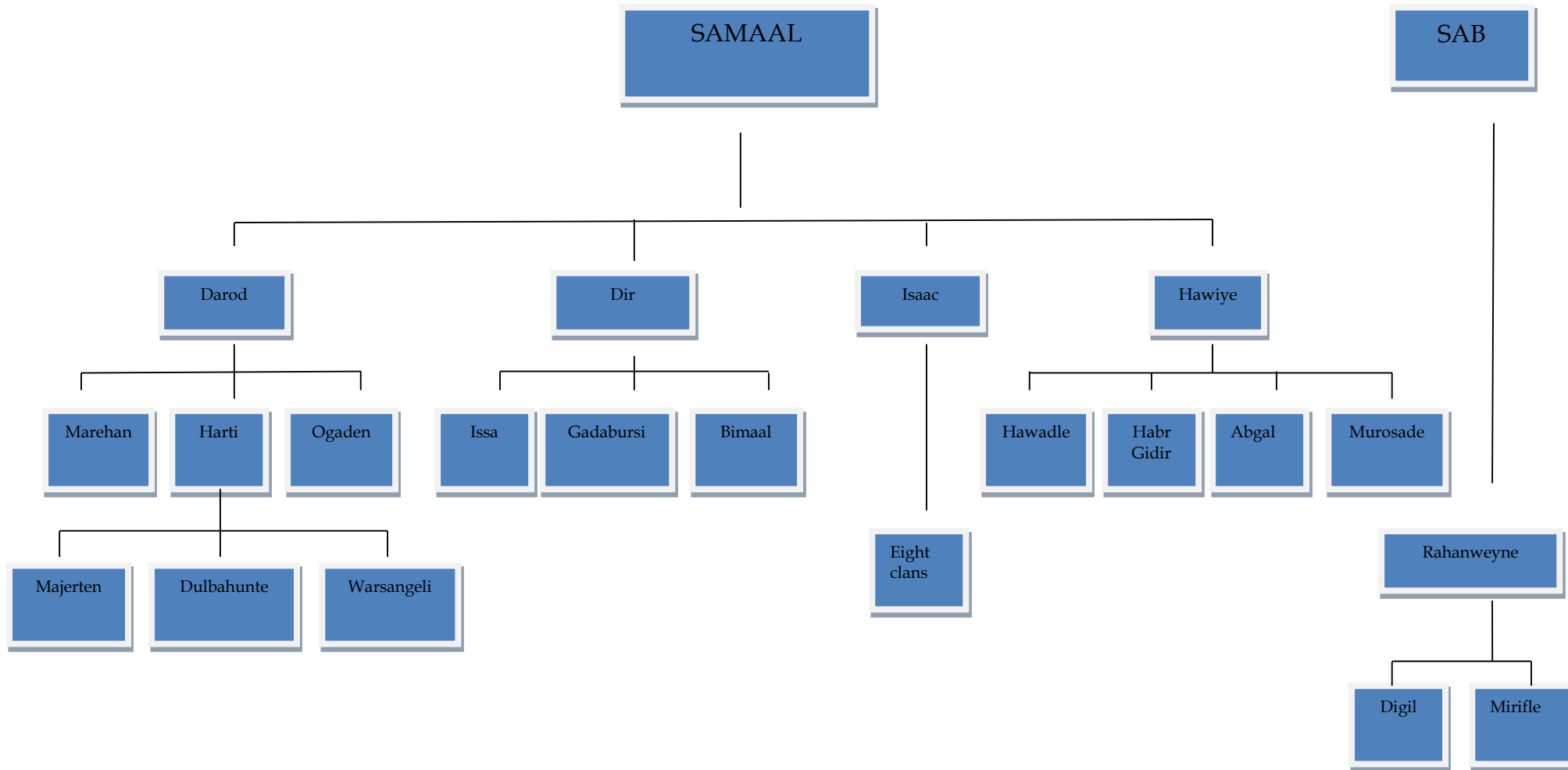


Figure 4.1 Researcher's own organisational structure of the Somali clans

4.5 The UN factor in the Somali conflict

The UN's involvement in the Somali conflict was mainly induced by the growing international public opinion with respect to the humanitarian crisis caused by civil war and famine. Lyons and Samatar (1995: 29) argue that as lawlessness and banditry escalated, a complex humanitarian emergency of massive proportions developed and eventually forced international attention on Somalia. The humanitarian crisis received publicity through the international media (see Rutherford, 2008: 93). The crisis was characterised as the triangle of death due to the impact of the civil war and food insecurity on the cities of Baidoa, Kismayo and Mogadishu. As these cities continued to spiral into violence and food insecurity mounted, the international community was conspicuously immobilised with regard to how to respond to the phenomenon of a collapsed state and warlordism in Somalia.

On 24 April 1992, following the harrowing pictures of starving Somali children and in response to the recommendation of the UN Secretary General, Boutros-Ghali, the UN Security Council adopted resolution 751 (1992) in terms of which it decided to establish a United Nations Operation in Somalia (UNOSOMI). While the Security Council was deliberating on the Somali crisis, the Somalis were caught in the cross-fire of civil war and famine. The humanitarian crisis had by then reached unprecedented proportions in Somalia. Rutherford (2008: 38) suggests that, by mid-March 1992, 300,000 Somalis had lost their lives, 3,000 were dying daily, 500,000 had fled to refugee camps in neighbouring countries, and more than 70 percent of the livestock had died. Lyons and Samatar (1995: 29) attribute famine to the phenomenon of the collapsed state, factional fighting and looting, the consequent displacement of civilians and the disruption of economic activities in south Somalia. Food prices soared in some areas by 1,200 percent over a few months. Sahnoun (1994: 16) argues that the 3,000 people dying on a daily basis were mostly women, children and old men, thus highlighting the argument that is consistent with the theoretical concept of an 'intractable conflict' (see Crocker *et al*, 2009:

492), that most victims of such conflicts are the most vulnerable sections of the population.

On 28 August 1992, the Security Council passed resolution 775 (1992); the resolution was hailed as a fundamental departure from the usual Security Council business and was regarded by the Secretary General, Boutros-Ghali, as an indication that finally, the UNSC had decided to take firmer action (see Rutherford, 2008: 51). The UNSC resolution 775 use of the term “all necessary measures” indeed signalled a departure from peacekeeping to peace enforcement. The resolution did not need Somali government approval for the mission as there was no functioning central government in Somalia. The main thrust of resolution 775 was to ensure the deployment of an additional 3,500 troops to bolster the 500 already approved to protect the food aid convoys and to oversee the distribution (Rutherford, 2008: 51).

On 3 December 1992, the UNSC passed resolution 794 (1992) by means of which it stated in paragraph ten (10) that:

Acting under Chapter VII of the Charter of the United Nations, authorises the Secretary-General and Member States cooperating to implement the offer referred to in the above mentioned paragraph to use all the necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.

It was on the basis of resolution 794 (1992) that US president Bush deployed the US-led United Nations International Task Force (UNITAF). The 30,000 US troops deployed in Somalia code name Operation Restore Hope (ORH) (see Bradbury, 1994: 15).

The focus of ORH was limited to the creation of a secure environment for delivery of humanitarian relief. Although Security Council resolution 794 (1992) recognised that the human tragedy was caused by the conflict, there was no attention to deal with the causes of the civil war by the UN. Bradbury (1994: 22) argues that ORH was first and foremost a military operation with humanitarian objectives, limited attention was given to the long-term political and humanitarian needs of Somalis. On 4 May 1993, UNITAF

was handed over to the UN international military and civilian operation known as UNOSOM II, authorised under UN Security Council resolution 814 (1993) (see Bradbury, 1994: 16 and Rutherford, 2008: 119). Critiques of resolution 814 argue that although the Clinton administration pushed the UNSC for a strong resolution with an emphasis on rebuilding, disarming and establishing a functioning political system in Somalia, the resolution was not supported with the required resources (see Rutherford, 2008: 120). The daunting challenge of UNOSOM II was to disarm the emerging warlords. The warlords had by then created war-machinery based on clan lineage and patronage. The disarmament desire was further compounded by the clan security dilemma created by the proliferation of small arms within the clan political structures.

The UN's active combat in the Somali conflict was triggered by the killing of 24 Pakistani UN peace-keepers in Mogadishu during the weapon search of General Aideed-controlled Radio Mogadishu on 05 June 1993. Bradbury (1994: 16) argues that the death of UN peace-keepers ushered in a new cycle of violent conflict. The UN became a party to the Somali conflict by virtue of Security Council resolutions 814 (1993) and the subsequent military operations against General Aideed's faction. Pakistani peace-keepers were killed one month after the creation of UNOMOS II. General Aideed's action was viewed as testing the resilience of the Security Council mandate in Somalia. Bradbury (1994: 29) argues that there was much speculation that once the UN took over from UNITAF, General Aideed, who had never favoured UN military intervention, would try to test the new UN force when UNOMI II assumed control. The UN mission met with no criticism by opponents of the use of Chapter VII of the UN Charter, to this end, Lyon and Samatar (1995: 36) explain that UNOSOM II had more ambitious goals but lacked a viable, coherent political strategy. It was this lack of a political strategy by the UN to resolve the conflict that came to characterise the contemporary Somali conflict resolution process. The argument can be made that reliance on a military solution to the conflict has created a perverse approach to finding

a durable solution to the conflict by ignoring other peaceful means based on a non-coercive military force.

The killing of Pakistani peace-keepers could have been prevented had the UN acted with caution when it came to the disarmament of factional militias, particularly with regard to General Aideed's faction, given that he had misgivings about UNISOM II. The UN's reaction to the Pakistani killing played into the hands of those opposed to UNOSOM II and exposed political weaknesses within the UN system. Lyons and Samatar (1995: 58) argue that the weak, inconsistent US-UN political strategy to encourage political reconciliation became irrelevant in the aftermath of the attack on the Pakistanis. The bombing of some sections of Mogadishu by the US Special Forces further poisoned the already toxic relations between the UN and General Aideed's militias. UNOSOM II's retaliatory bombing of Aideed's headquarters and a house on 12 July 1993 resulted in the killing of prominent personalities from the Habr Gidir sub-clan in Mogadishu.

Adam (2008:26) and Bradbury (1994: 32) mention that those killed also included Ogadeni, Majerten, Murosade sheikhs and clan elders. The elders met to explore options with regard to the confrontation between General Aideed and UNOSOM II. Bradbury (1994: 32) is of the view that the gathering was intended to put pressure on General Aideed to reach out to UNOSOM II and find an amicable solution to the problem. The UN search of General Aideed's-control Radio Mogadishu rhetoric against the UN mission was the trigger of Pakistani action against General Aideed, resulting in heavy casualties on their part. The irony is that the ill-fated search came in the wake of General Aideed's defeat by General Morgan in Kismayo and the suspicion arose regarding whether the UN had conducted the search with the view that General Aideed had been militarily weakened, a miscalculation by the UN which became costly in terms of human casualties and the long term strategic engagement in the Somali peace process.

The UNOSOM II military assaults against General Aideed generated and consolidated the Hawiye clan solidarity with General Aideed as reflected by the manner in which the clan closed ranks and consolidated the opposition against the Americans' intention to capture General Aideed. Thus, when Admiral Howe placed a \$20 000 reward on General Aideed's head, the latter did the same as a show of force and defiance of UNOSOM II and the Americans. General Aideed felt that the UN Secretary General, Boutros-Ghali was tainted by his previous dealings with Siad Barre's regime. General Aideed was unhappy with the Egyptian government's joint efforts with Italy in support of the Djibouti conference that favoured Mohammed Ali Mahdi as the interim president (see Bradbury 1994: 26). General Aideed was correct in his assertion: for instance, Admiral Howe convinced the UN that General Aideed should be marginalised during the Addis Ababa Conference. Consequently, the UN paid a heavy price for its strategic failures in the Somali conflict. In this regard, Adam (2008: 97) argues that the option of military force's failure cost \$4 billion from June 1993 to March 1995, plus a further \$2 billion for the US mission on behalf of the UN. The departure of UNOSOM II troops in March 1995 was an admission that a military option had failed to resolve the Somali conflict.

The turn of events for the US active combat disengagement was triggered by the October 1993 shooting down of a US helicopter in Mogadishu and the killing of 18 US army rangers and the further wounding of 84 others. Lyons and Samatar (1995: 59) state that the Somali leaders estimated their casualties had amounted to 312 being killed and 814 being wounded. Within hours, horrific pictures appeared on the US television networks: the corpses of American soldiers being dragged through the streets of Mogadishu, and a bloodied and terrified helicopter pilot being held hostage (Lewis, 2002: 273). These pictures became a source of American resentment for involvement in the Somali conflict and served to influence the Clinton administration's withdrawal from Somalia by the US in March 1994, and eventually the UN withdrew in March 1995.

The situation in Somalia worsened, the warlords emerged as the new landlords of Somalia who had developed a system of subjecting the general population to perpetual extortion and insecurity. The warlords then balkanised Somalia into a militia state in terms of clan patronage and lineage, and developed some form of coexistence driven by their greed and stranglehold on the economic benefits of the protracted Somali civil war. The UNOSOM II mission collapsed, raising many questions about the long term viability of peace enforcement under Chapter VIII of the UN Charter. The UN left behind a base built with Somali aid money, according to Lewis (2008: 80) a few months later, as the country again began to descend into chaos, the very foundation of the \$160 million UN headquarters had disappeared, obliterating any traces of the UN's involvement in Somalia that some Somalis would rather prefer to forget given that there is nothing to show that the UN was ever involved in the resolution of their conflict.

4.6 Religious values in the Somali conflict

The role of religion in the Somali conflict is a subject of scrutiny and in the recent past, it has become associated with global terrorism by those who are of the view that the Somali Islamic movements are an integral part of the global terror network. To locate the form of Islam practice by Somalis better it is worth noting the observation by Lewis (2002: 63) that Islam in Somaliland has long been associated with the brotherhoods or tariqas (the way) which express the Sufi, or mystical view of the Muslim faith. Lewis (2002) again comments that the Sufi-sect of Islamic faith is particularly well adapted to the Somali clan system in which clan ancestors readily become transposed into Muslim saints. It is on the basis of the argument by Lewis that this research seeks to dispel the view that there is a firm basis for Al-Qaeda to gain a foothold to influence the course of the Somali-based religious insurgency. Empirical evidence suggests that Al-Qaeda has had an influence in situations where the Wahhabism and Salafi sects of Islam exist. This form of Islam is regarded by scholars as the basic foundation for Al-Qaeda. To this end, Delong-Bas (2004: 3) describes Wahhabism as extremist, radical, puritanical, contemptuous of modernity, misogynist and militant in nature. Despite the brutal

nature of the Somali conflict, it would be without foundation to apply the above definition of Wahhabism to any of the Somali disputants.

Religious leaders have often used their standing in society to advocate quality and justice as was the case with Desmond Tutu in South Africa and Martin Luther King in the USA. Somalia was no exception to this phenomenon of religion and politics: Sayyid Muhammad played a pivotal role during the colonial period in Somalia. Lewis (2002: 71) argues that in contrast with the traditional position of men of religion in internal Somalian affairs, Sayyid Muhammad had become a political leader, a position which he was enabled to fulfil while still retaining his religious role under the circumstances of the wider conflict between Muslim Somali and the Christian colonisers. Sayyid Muhammad was instrumental in the holy war against the colonisers, better known as the Dervish struggle. By 1904, the Dervish struggle had suffered significant setbacks and Sayyid Muhammad signed a peace treaty with Italy, Britain and Ethiopia (see Lewis 2002: 73). Given the above mentioned background, it was not a surprise that the future Somalia would have some role for religious leaders in crafting its future.

4.6.1 Formation of AL-Ittihad Islamiya

According to Tadesse (2002: 20), AL-Ittihad AL-Islamiya was formed in the early years of the 1980s and it is believed to be a fusion between two separate clandestine Islamic movements AL-Takfir, AL-Wahda and the AL-Salafiya Muslim brotherhood that were operating in the northern and southern parts of Somalia respectively. The Islamic Courts later emerged in the same part of the country in August 1994 according to Mwangi (2010: 89). The formation of AL-Ittihad was an attempt to mobilise the general population to respond to the brutal repression of the Siad Barre regime. The two movements which merged to form AL-Ittihad represented a further shift to the right in the Somali political landscape.

These internal developments attracted external factors with regard to influencing the sect affiliation of the emerging Somali political-religious movements. Tadesse (2002: 17)

argues that the Saudis courted and funded hundreds of neo-Wahhabi parties across the Muslim world to spread Wahhabism and gain influence within Islamic movements around the world and Somalia was no exception to this, although traditionally, Somalis subscribe to Sunni Islam and follow the Sufi school of Law. Shay (2008: 51) is of the view that Islamic charities in Somalia do not maintain ties with Western and other philanthropic organisations and do not adopt the behavioural norms and transparency customary in organisations of this sort. The “closed” policy of these Islamic organisations enables them to cooperate closely with radical Islamic organisations that exploit these charities to promote their goals in Somalia. He further argues that it is possible that some of the Islamic charities actually constitute “front” organisations for Al-Ittihad as well as other radical organisations. This argument raises a difficult question concerning who uses who: is it a situation of philanthropies using their resources to influence the direction of the Somali conflict, or opportunism on the Somali side given the ever-elusive kaleidoscope of Somali conflict resolution ideas?

The parallel should be drawn between Al-Ittihad and Al-Islah, the latter is an organisation which was committed to the Islamisation of the Horn of Africa region. The basic ideological position of Al-Islah is founded on its argument that Somalia should become an Islamic state with a strong and formidable Islamic army (see Tadesse, 2002: 21). The two organisations worked together in an alliance until Al-Ittihad unilaterally severed its relations with Al-Islah and became a stand-alone organisation in 1991 after the fall of Siad Barre’s regime. Al-Islah has since failed to gain prominence with Somalis. The argument can be extrapolated to state that the failure of Al-Islah represents some form of rejection of its values by the general Somali population, which raises some questions about Wahhabism within the Somali Islamic values.

The emergence of religious organisations in the Somali political space and their occupation of the centre of political dynamics can be attributed to the power vacuum and the total collapse and disintegration of the Somali state in 1991. There is no

evidence of AL-Islah's involvement in violent activities in Somalia, however, the organisation was a platform for a discourse on the form and shape of political Islam in Somalia. To this end, Shay (2008: 38) observes that Islah leaders condemned violence and *takfir* (declaring as an infidel) as un-Islamic and counterproductive, while Tadesse (2002: 21) argues that many writers assert that unlike Al-Ittihad which wants to seize political power through the barrel of a gun, Al-Islah intends to achieve the same objective through the political enlightenment of the general public and promotion of Islamic political culture.

Al-Ittihad's first military battle was fought in April 1991 in Araare according to Shay (2008: 41). This first active combat had served to strengthen two factions within AL-Ittihad. First, it aided the jihadists in their determination to militarise the movement. Secondly, it gave the impression that Al-Ittihad places the interest of the Darod clan above those of the Hawiye clan. The Darod clan had political privilege during the Siad Barre regime, and any perception of favouritism offended the Hawiye clan, thus, they formed the Al-Asnar Al-Sunna to champion the interest of Hawiyes. Most members of Al-Asnar belonged to the Abgal sub-clan of the Hawiye. Shay (2008: 41) argues that by 1993 several had drifted into the orbit of Musa Sudi Yalaho, an emerging Abgal faction leader in Mogadishu's Medina district, where the city's first Islamic court was established.

4.6.2 The Islamic courts

Following the collapse of the Cairo Peace Conference in 1997, the failure of the Benadir administration in 1998, and the negative impact of the civil war on the business community in Mogadishu, a group of religious leaders from Mogadishu formed the Sharia Implementation Council (SIC) in 2000 in order to unify and coordinate various courts (see Shay, 2008: 93). Mwangi (2010: 89) suggests that the Islamic Courts first emerged in northern Mogadishu in August 1994 by Abgal sub-clan clerics with the intention to provide a degree of law and order in an anarchic situation of state

disintegration in Somalia. In 2004, SIC evolved and it was radically transformed into the Supreme Council for Islamic Courts (SCIC). Sheikh Sharif Sheikh Ahmed was then elected the chairperson of the council. Mwangi (2010: 90) observes that Sheikh Sharif Sheikh Ahmed is an adherent of traditional Somali Sufi Islam and had presided over the establishment of the Islamic Court in Jowhar. According to Shay (2008: 94), the court system expanded under the leadership of Sheikh Ahmed. While Sheikh Ahmed was consolidating the court system in Mogadishu, the TFG was formed in Mbagathi, Kenya in 1994. In contrast to the Courts system, the TFG had no political infrastructure in Somalia and regarded itself as a legitimate representative of the Somali people and had no desire to enter into a dialogue with existing political formations in Somalia. In 2005, the Supreme Council of Islamic Courts appointed Adan Hashim Ayro as commander of its militia group. Adam Hashrim Ayro played a critical role during the war with Mogadishu-based warlords in 2006. In March 2006, a fierce fight broke out with a loose coalition of Mogadishu-based warlords/militia leaders.

These warlords were also part of the TFG and included Mohammed Qanyere Afrah who was Minister of Internal Security and represented the Murosade sub-clan of the Hawiye, Musa Sudi Yalaho, Minister of Trade and Industry, who hailed from the Abgal sub-clan of the Hawiye; Ali Osman Atto, former Minister of housing and public works and a member of the Habr Gidir Saad sub-clan of the Hawiye, and Omar Muhamoud Finish, former Minister of Islamic affairs, an Abgal sub-clan.

The Mogadishu-based warlords called their loose grouping an Alliance for the Restoration of Peace and Counter Terrorism (ARPCT). According to Lewis (2008: 85) and Bruton (2010: 7), the alliance had the backing of the Central Intelligence Agency (CIA). During an interview with one of the sources working with the alliance, it emerged that the CIA was flying secretly into Mogadishu's Dhanil Airport to transport cash for the warlords. The airport was under the control of Mohamed Qanyere at that time. It is estimated that an amount of US \$ 5 million was given to the ARPCT to fight

the Union of Islamic Courts (UIC). Ali Osman Atto was the only prominent warlord who did not become part of the ARPCT; it is alleged that the CIA refused to use the US government's funds to support him due to his involvement against US troops during ORH. The other argument is that Ali Osman Atto had persuaded the Habr Gidir sub-clan not to join the war against the UIC which was dominated by the same clan. If the latter is true, it made sense, thus, Ali Osman Atto broke ranks with other the warlords and moved to the South Galkaiyo region, which is the stronghold of his Habr Gidir Saad sub-clan.

In 2006, UIC defeated the ARPC mainly due to the popular support it enjoyed among Somalis who were tired of the warlords' chaotic control of Mogadishu (see Shay, 2008: 95). The warlords managed to get the CIA support by branding the UIC as an Al-Qaeda sponsored Islamist political formation. Lewis (2008: 85) contends that the CIA support for ARPCT was predicated on Washington's global war on terror strategy. Scholars like Lewis (2008), Shay (2008) and Bruton (2010) came to the conclusion that the Islamic court system represented a new phenomenon in the political landscape of Somalia since the collapse of the state in January 1991 by arguing that the ICU was the only organised formation to have had government-like control over the city of Mogadishu and other major cities. At the core of the UIC was the dominance of the Habr Gidir clan, in this regard, Lewis (2008:86) observes that of particular significance was that the Habr Gidir Ayr lineage, which in the shadow of the TNG regimes of Abdigasim Salad Hassan had come to exercise hegemony over a large stretch of South Somalia, running from Mogadishu through Merea and Brava down to Kismayo.

The Hawiye sub-clans were broadly represented in the court system. The court system was not a logical formation which emerge out of some political process, it was rather, born out of an opportunistic situation presented by the collapse and disintegration of the central government in 1991. At the centre of the court formation was the need to address the insecurity created by militia groups in the country. Mwangi (2010: 91)

confirms this assertion and argues that the establishment of the Islamic Courts was, however, not driven religious fundamentalism per se but by pragmatic considerations aimed at the restoration and provision of security. The court system of government is analysed in chapter five of this study which explores the failures of various peace processes. (See Figure 4.2. Habr Gidir clan organisational structure)

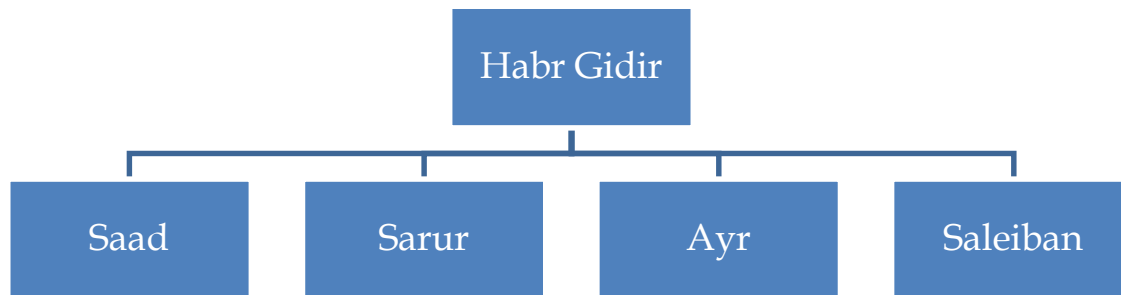


Figure 4.2: Habr Gidir clan organisational structure

The courts system is the only one to have managed to provide security and some public services since the collapse of the Somali state in 1991, Lewis (2008: 88) argues that the court's success was consequently perceived as a serious threat by the Ethiopian Government that claimed that it included in its leadership Muslim terrorists who had been implicated in earlier attacks in Ethiopia and Kenya, thus setting the tone for the invasion of Somalia in 2006. The victorious Islamic Courts gave pretext to the Ethiopian invasion by adopting jihadism threats against Ethiopia (Mwangi, 2012: 517). The sole purpose of the invasion was to impose Abdillahi Yussuf Ahmed's TFG over Somalis. The TFG was by then holed up in Baidoa with no legitimacy to govern the country. The UN, Sudan and Kenya persuaded the TFG and the ICU to enter into negotiations in order to prevent further bloodshed. The talks took place in August 2006 in Khartoum and no progress was made. The situation in Somalia was meanwhile changing with the

UIC capturing strategic cities and towns and establishing some form of governance. On September 24, 2006 the strategic city of Kismayo was captured (Shay, 2008: 98) without any fight. The city was under control of the Juba Valley alliance (JVA) loyal to the TFG Defence Minister Darre Shire Hirale. The UIC was clearly gaining momentum on the military front and they had no intention to be bogged down to a protracted peace process in Khartoum. It was the brutality of the UIC in captured territories and the speed at which they were capturing towns and key strategic areas that the Ethiopian, with American support, invaded Somalia. Lewis (2008: 90) argues that the essentially domestic dispute over the TFG's legitimacy in Somalia was reconfigured in terms of the US war on terror. The EU consequently found its questionable endorsement of the TFG leading to dangerous paths it had never envisaged by taking sides with factions within the TFG, thus limiting its diplomatic scope in the resolution of the conflict.

The UIC was not a match for the Ethiopian conventional army, hence by the end of 2006 the Ethiopian army had captured Mogadishu and other areas controlled by the ICU. A source close to the ARPCT alleges that clan elders convinced the ICU leadership not to fight the Ethiopian army in order to spare Mogadishu from destruction by the invading army. The Ethiopian government used force to remove the ICU from Mogadishu, to understand what force can do and undo, Rousseau (1993: 184) argues that force is a physical power and adds that he fails to see what moral effect it can have, and further argues that to yield to force is an act of necessity, not of will – at the most, an act of prudence. That is precisely what the ICU did when confronted by the might of the Ethiopian force. Their retreat from Mogadishu was an act of necessity, not a defeat. The clan elders' role in persuading the ICU to abandon their battle for Mogadishu illustrated the centrality of clan structures in the Somali conflict.

The Ethiopian invasion of Somalia was a strategic error of serious proportions, they were viewed with suspicion by the citizens of Mogadishu, and the Somalis were not prepared to accept any military stabilisation of the country that included the Ethiopian

army due to the tension that has existed between the two countries even in peace times. The two countries' animosity towards each other dated back to the imperial positioning of the Somalis in 1897 and the 1945 division of the country by the British, Italian and French colonial powers in 1948 (see Lewis, 2002: 40,131; Lewis, 1994: 93). The Ethiopian occupation forces are alleged to have committed serious atrocities in Mogadishu. According to Lewis (2008: 89), the Ethiopian forces turned their heavy artillery against the civilian quarter of the city where they believed their opponents were concentrated. It was this level of collective punishment that created further resentment of the occupying forces and further radicalised young Somalis who then swelled the ranks of the Al-Shabaab militia group branded a terrorist group by its opponents.

The Ethiopian occupation force was again compounded by political statements from the moderate elements with the UIC. According to Shay (2008: 101), on October 9 2006, Sheikh Sharif Ahmed called a press conference to announce a jihad against Ethiopia, given the already toxic situation in Somalia at that time, such a pronouncement further radicalised the UIC and the predominantly Hawiye population of Mogadishu, thus the emergence of the Al-Shabaab as a resistance movement modelled along the Iraq and Afghanistan resistance movements. The Ethiopian occupation of Mogadishu galvanised the Somalis to take up arms against the occupation force. The Ethiopian occupation force provided Somalis with a common definition of the enemy. In January 2009, Ethiopia withdrew its troops from Mogadishu. By then, the Ethiopian and Kenyan governments had sent special envoys to South Africa and Uganda requesting that these countries should send peace-keeping forces to Somalia. South Africa was of the view that there was no peace to keep and did not see the need to send what would have been a peace enforcement troop contribution.

At the same time, Ethiopian troops were incurring heavy casualties on the ground, and Bruton (2010: 9) argues that the futility of supporting the TFG had become evident to the Ethiopian government, and the cost of confronting the growing Islamist insurgency

in Mogadishu had become unsustainable. Bruton (2010: 9) then alleges that both the UN political office in Somalia and the US Department of State actively pushed for the creation of an AMISOM because of fears of a security vacuum created by the departing Ethiopian Army. AMISOM's role in the Somali Conflict will be a subject of analysis in chapter five which explores the peace process in Somalia. AMISOM has become what UNOSOM II used to be, a military attempt to resolve a political problem of Somalia.

4.7 Conclusion

The Somali state failure and disintegration in 1991 has created a political power vacuum that was later filled by civil militia groups supported by the clan elders. This armed seizure of the state has transformed Somalia to a militia state, serving the interests of predatory warlords. The genesis of the Somali conflict dates back to the Ogaden War of 1977 to 1978, which is regarded as a turning point for contemporary civil war in Somalia. The Ogaden War was similarly, a contributing factor to the proliferation of arms in the Horn of Africa region. These arms are still driving the protracted Somali conflict. General Siad Barre was instrumental in furthering the proliferation of arms by distributing the weapons of war to his clans following the defeat in the Ogaden. Since 1991, the intractable Somali conflict had changed in character, mainly owing to developments in the international situation following the 9/11 events in the US. The US had adopted a confrontational foreign policy with an emphasis on war on terror strategy. The strategy views the Somali conflict within the broader context of war on terror by suggesting that some civil militia groups are linked to Al-Qaeda.

The Somali conflict mainly takes place among Somalis, and has assumed an intra-clan character in its content. General Siad Barre was fundamental in unleashing clan war, particularly towards the end of rule in 1991. Clan rivalry has in the recent past featured in peace processes, and has compounded the peaceful coexistence of clans, as will be explored in chapter five of this study. The Somali conflict has become resistant to both peaceful and coercive methods of resolution. Civil militia groups have in the process of

the conflict transformed the country into a militia state which provide militia leaders with the benefits of the war economy and other illicit transactions with the neighbouring states. These militia groups are therefore, opposed to any solution which may threaten their greed and interests. The creation of clan-based fiefdoms is at the core of militia leaders' greed and exploitation of clan differences.

The interests of militia groups in the conflict are so entrenched that the UN could not impose peace on the country in 1993, despite the use of Chapter VII of the UN Charter which gave the UN mission a peace enforcement mandate. Lessons emerging from the conflict are that there is no expedient military solution in Somalia and the possible resolution should include all the role players, including those branded terrorists by the international community and by their opponents in the conflict. Therefore, both the state-building approach to peace-making and the exclusion of certain actors help to explain the failure of the peace processes. The next chapter will explore the peace process, why repeated failures, it will, importantly also explore the clans' role in the negotiations process.

Chapter five

Anatomy of the Somali peace process

5.1 Introduction

This chapter analyses five international sponsored peace conferences viewed as crucial since the collapse of the Somali state in 1991. The peace conferences were undertaken during 1991 and culminated in 2004 with the creation of the Transitional Federal Government. The analysis focusses on the reasons for the failure of the peace process. The analysis of these peace conferences is elucidated by analytical approaches within the realm of conflict resolution theory as set out in chapter two. This chapter also evaluates the application of mediation and negotiation concepts in the Somali conflict. Similarly, it also explores the centrality of the clan political unit in the resolution of the conflict, given that clans have become instruments of conflict as discussed in chapter four.

For the purpose of this study, the following peace processes form the basis of analysis in exploring the reasons for the failure to resolve the conflict, and to make some suggestions for achieving sustainable peace and security in Somalia. The Djibouti Peace Conference (1991), the Addis Ababa Peace Conference (1993), the Cairo Peace Conference (1997), the Arta Peace Conference (2000) and the Mbagathi Peace Conferences (2004) had a common strategic objective, namely to form a central government in Somalia using a power sharing approach, even though there was no political or military formation in the country that could claim to possess instruments of state monopoly, such as formulating laws and legislation or enforcing them. Fundamentally, the state's monopoly to use violence was (and continues to be) controlled by various civil militia groups.

Though, other peace processes are a subject of analysis in this chapter, there is more focus on the Mbagathi process because it stands out as the one with more ramifications for the conflict resolution process in Somalia. It was during the Mbagathi process that a transitional government with the help of the international community attempted to impose itself on the general population of Somalia, the results of which are explored in more detail compared to the other peace processes. It was during the Mbagathi process that a transitional government invited Somalia's long-standing enemy, Ethiopia to invade the country, the consequence of which changed the political and military dynamics of the Horn of Africa region dramatically in years to come.

The chapter also explores the argument by Menkhaus (2003: 12) that state--building and peace-building are two separate, and in some respects, mutually antagonistic enterprises in Somalia. In this context, the role of international diplomacy in imposing a state-building approach also explores the role of international diplomacy in the Somali conflict, particularly with regard to state-building approach of conflict resolution in Somalia despite high rate of failure in this regard. Similarly, Heathershaw (2008: 610) asserts that the target of state-building is the failed state. The Somali state-building approach as an instrument to resolve the conflict has not yielded the desired results, it has instead, compounded the conflict by creating the third generation of civil militia groups who have captured and hijacked what remained of the Somali state, mainly, the Westphalian sovereignty which provides militia groups with legitimate access to international donor funding and other economic benefits. The state-building approach is located within the peace-building doctrine whose proponents are to be found in the UN. Richmond (2013: 381) suggests that the international approach in terms of peace-building, is defined by the liberal norms, laws and institutions. Most importantly, the international institutions have failed to address the specific dynamics of Somali, by not addressing the fact that Somalia is now a fragmented militia state.

The peace conferences under review share a common top-down approach in line with Brons' (2001: 45) argument that state formation by force is a top-down process, which puts the military force in a strong and advantageous position from which to claim political authority, as opposed to a bottom-up approach which is driven by public consent. Richmond (2010: 7) suggests that this would require issues of peace and order to be addressed from the local and, the everyday levels and from below. Fundamentally, the role of civil militia groups in the transformation of Somalia into a militia state is the core of changing international political and military dynamic exemplified by developments in Iraq, Libya, Syria and Yemen.

5.2 The Djibouti Peace Conference (1991)

This peace conference was convened by the government of Djibouti as a response to a major battle in Mogadishu between the militias of General Aideed and those of Ali Mahdi. Lewis (2002: 264) estimates that 14, 000 people were killed by then and three times that number wounded. The government of Djibouti was supported by Egypt, Italy and other states in the Horn of Africa (Lyons & Samatar, 1995: 29). The peace conference was held in a toxic climate created by, amongst other reasons, the militia war between General Aided and Ali Mahdi, and the absence of a strategic framework to address the conflict between the two Hawiye militia leaders in Mogadishu. At the same time, Mogadishu further degenerated into a full scale civil war driven by the militia leader accountable to no government institution. The absence of government structures created a conducive environment for impunity among civil militia groups identified in this study as the third generation militia groups. The social contract between the state and its citizens was non-existent and the Somali state had disintegrated and totally collapsed, in its wake a militia state was emerging.

Although all the militia groups were invited to the Djibouti Peace Conference, General Aideed's refused to attend the peace conference convened to address the ensuing militia war in Mogadishu. General Aideed's absence at the conference created a

structural challenge for the process as he was instrumental in the ongoing war at that time. However, the absence of General Aideed did not deter the convenors and they proceeded with the peace conference without General Aideed. The conference lasted for one week (from 5 to 11 June 1991) (see Menkhaus, 2007: 125; Lyons & Samatar, 1995: 29).

The convenor's insistence that the peace process should proceed without the attendance of a major role-player such as General Aideed was a serious setback for the inclusiveness of the peace process. General Aideed was quick to cast doubts on the integrity of the conference, which excluded major role-players in the conflict. Lyons & Samatar (1995: 29) indicate that General Aideed's refusal to attend the conference was based on the perceived efforts of Italy and Egypt as a ploy to prevent him from seizing political power by means of violence. The SNM also refused to attend the peace conference arguing that it no longer sought a role in Somalia since its May 1991 unilateral declaration of independence (UDI) (see Lyons & Samatar 1995). The conference convener, President Hassan Gouled Aptidon's focus was on the creation of a transitional government; however, the failure is attributed mainly to the Italian and Egyptian manipulation of the process to ensure that Ali Mahdi became the interim president of Somalia. (see Rutherford, 2008: 15; Adam, 2008: 156).

The failure of the Djibouti Peace Conference can be located within the broader framework and principles of mediation. In this context, the mediation violated the basic rule that mediation should not try to promote one person or group's interests at the expense of another (see Mayer, 2004: 85). Fundamentally, the conflict had not reached what Zartman (2008: 54) calls a MHS because General Aideed was still hopeful to win the war, thus making it difficult for the process to achieve sustainable peace. Similarly, the peace conference was not the best alternative to a negotiated agreement because General Aideed was still hopeful of a military victory against Ali Mahdi and forces loyal to Siad Barre. General Aideed had no incentives to attend a peace conference that may reduce his political, military and economic influence in the civil militia conflict (see

Zartman 1999: 291). Mogadishu was at that stage balkanised into political and military fiefdoms of Third Generation Militia Groups, With General Aideed controlling a large part of the capital city.

The peace conference was convened in an atmosphere characterised by General Aideed and Ali Mahdi buoyed by their parochial and temporary military successes on the ground in Somalia. The conflict between the two Hawiye clan militia leaders soon became a defining factor for political power positioning at the peace conference. Vinci (2009: 72) observes that sometimes, armed groups have attempted to use their military ability on the ground in Somalia to influence the conference outcome. This argument by Vinci reflects that disputants were still seeing their military capability as an option of choice in the resolution of the conflict. Similarly, the conflict was reflecting that it is not yet ripe for resolution.

It should also be noted that the peace conference took place at a time when General Aideed and his militias were buoyed by military victories against General Siad Barre in Mogadishu. The vacuum created by the fall of General Siad Barre's regime in 1991 was another contributing factor to the failure of the Djibouti Peace Conference, as participating parties were more concerned about filling the political power vacuum than resolving the conflict. The mediation of the Djibouti conference failed to understand the level of military power possessed by General Aideed, thus there was no comprehension of the damage General Aideed could inflict on the desired peaceful outcome of the conference. The argument can be made that General Aideed was in 1991 having a formidable and a cohesive military force following the defeat of the Siad Barre military machinery.

The Djibouti Peace Conference had a credibility problem both within Somalia and internationally. Importantly, the Djibouti process did not enjoy internal support by Somalis who were polarised along clan militia affiliation lines, at the most, some militia groups saw it as a plateau before initiating the next stage of the conflict. The

international community was not ready to underwrite the peace process politically as reflected in Sahnoun's (1994: 10) argument that when the government of Djibouti requested UN's support for the peace process, it was refused with no explanation except that the matter of Somalia was too complicated. The refusal was not in line with the UN's mandate as a custodian of international peace and security.

Meanwhile, the battle for Mogadishu took a turn for the worse by assuming a clan proportion with serious casualties (see chapter four). The Djibouti process was followed by another international brokered peace conference in Addis Ababa two years later, in 1993, militia groups had by then entrenched their stranglehold on Somalia. The balance of political and military forces was now in favour militia leaders battling against each other. The humanitarian situation was compounding the country, with civilian population bearing the brand of militia war. The Addis Ababa peace process enjoyed more international support compared to the Djibouti. However, an observation will be made if there are lessons learned, particularly with regard to the inclusiveness of the process.

5.3 The Addis Ababa Peace Conference (1993)

The 1993 Addis Ababa Conference on National Reconciliation was convened by the UN based on what Bradbury (1994: 22) contends was an analysis of the ORH dramatic changes in Somalia brought about by the US Military presence. Lewis (2005: 270; 2010: 129) goes further and suggests that the UN Secretary-General at that time, Boutros Boutros-Ghali, took advantage of the relative lull in fighting which the US presence had produced and pressed ahead with the so-called "reconciliation" process. This analysis gives credence to the argument that the Addis Ababa peace conference did not emanate from rational diagnostics of the conflict; rather, the decision was informed by UN expediency. The UN's domination in determining the timing and the venue for the peace process left no space for disputants and compromised its role as a mediator in the conflict.

The structure of the Addis Ababa Peace Conference was a subject of criticism by Somalis before it was officially inaugurated. Bradbury (1994: 23) is of the view that the main criticism was that signatories at the conference were from the fifteen factional militia groups. The presence of militia groups raised some concerns from civil society groups at the conference, however, for a peace agreement to succeed it was fundamental to involve militia groups. There was a view from NGOs at the Addis Ababa Conference that the process of selecting delegates to the conference should have been democratic and transparent, a criticism which is unfounded given that Somalia was gradually sliding into domestic anarchy. The exclusion of militia leaders could have led to a repetition of the mistakes of the Djibouti Peace Conference (1991). The dynamic impact of the new militia generation was still an amorphous phenomenon in civil society with regard to conflict resolution practitioners in the Somali conflict resolution process.

The other challenge of the Addis Ababa Conference was the result of the arbitrary manner in which delegates to the conference were selected, which resulted in a dominant representation of the Mudug region. Osman (2007: 104) estimates that eleven of the fifteen warlords who attended the conference were members of the Mudug clans, a matter which did not augur well for other regions. In this regard, clans were introduced as instruments of power politics in the Addis Ababa process, further reflecting on a continuation from the previous Djibouti process. The conference organisational structure did not manage the sensitive matter of the clan balance of power at the negotiation table, thus further casting doubts on the domestic credibility and legitimacy of the process. In this context, the conference was challenged by a dispute between General Aideed and the UN over who should select delegates to the conference. General Aideed believed that since he controlled many regions, his militia faction would nominate delegates, while the UN wanted a more transparent process (Elmi, 2010: 22). The UN won the argument and General Aideed was denied the opportunity to assume a dominant position by appointing more delegates from his

militia group. Although the UN won the argument, it lost the commitment for sustainable implementation of the agreement reached at the conference, because General Aideed's refusal to implement the decision of the conference undermined the conference outcome.

The fifteen militia factional leaders who participated at the conference signed the final agreement on 27 March 1993. The agreement reaffirmed the January 1993 ceasefire and disarmament agreement and further provided for the formation of transitional mechanisms for the restoration of political and administrative structures in Somalia. In particular, provides for the formation of a Transitional National Authority (TNC); Central Administrative Departments to re-establish civil administration and Regional Councils in all eighteen regions and districts of the country. Events in Somalia had by then taken a turn for the worse, instruments of the state had completely collapsed and the country was approaching the third year without a central government. Militia groups were terrorising the vulnerable civilian population and the country was sliding further into a militia state without a social contract to regulate relations between the state and its citizens.

The TNC was mandated to select three representatives, including a woman from each of the eighteen regions, as well as five seats for Mogadishu, and one seat for nominees from each of the fifteen factions present in Addis Ababa. These structures were to be effective for a period of two years, thus defining the transitional period. Subsequently, four committees were formed, namely, the charter drafting, the peace settlement of disputes, rehabilitation and reconstruction and cease-fire and disarmament committees, (see Bradbury, 1994: 23). The conference agreed on a timeframe for the implementation of the agreements, amongst which, the TNC charter was to be ready for approval of National Reconciliation on 8 June 1993, in time for the establishment of the TNC on 1 July 1993.

Signatories of the Addis Ababa peace process were as follows:

- The Somali African Multi Organisation (SAMO) - Mohammed R. Arbou.
- The Somali Democratic Alliance (SDA) –Mohammed F; Abdulahi.
- The Somali Democratic Movement (SDM)-Abdi Musse Mayow.
- The Somali Democratic Movement (SDM/SNA) –Mohammed Nur Aiio.
- The Somali National Democratic Union (SNDU) – Ali Ismail Abdi.
- The Somali National Front (SNF)-General, Omar Haji Mohammed.
- The Somali National Union (SNU)-Mohammed Rajis Mohammed.
- The Somali People’s Movement (SPM)-General Aden Abdullahi Nur Gabiyo.
- The Somali People’s Movement (SPM/SNA)-Ahmed Hashi Mahamoud Jess.
- The Somali Salvation Democratic Front (SSDF) General Mohammed a Musse.
- The Southern Somali National Movement (SSNM)-Abdi Warsame Issaq.
- The United Somali Congress (USC/SNA)-General Mohammed Farah H. Aideed.
- The United Somali Congress (USC)-Mohammed Qanyere Afrah.
- The United Somali Front (USF)-Abdurahman Dualeh Ali.
- The United Somali Party (USP)-Mohammed Abdi Hashi.

The scope of the Addis Ababa Agreement was generally wide enough to accommodate the interests of the signatories. The signatories were constituted in accordance with clan patronage and lineage, and claimed to represent the interests of those clans. Though the conference was organised by the UN, there were no firm commitments by the international community to underwrite the process and provide financial support to implement the agreement, particularly the ceasefire agreement. This was evident during the implementation phase that the very same international community which spent US\$ 0.5 billion on ORH was failing to show a similar commitment and leadership with regard to the implementation of the Addis Ababa Agreement. The main thrust of the agreement was to create a central government (see Lewis 2010: 115). The creation of

a central government should be a mature result of conflict resolution process, and it should come at the end of the resolution phase of the conflict.

The central government creation was seen as a viable approach to resolve the Somali conflict eventually. In his critique of the central government approach in the Somali conflict, Moller (2009: 14) describes it as a relentless quest for state-building because the entire international system is constructed around states, to such an extent that it cannot handle stateless territories inhabited by people who cannot handle stateless territories inhabited by people who cannot be classified as citizens of any state. The state-building approach to the resolution of the Somali conflict does not take into account that in the case of the Somalia state, a hollow state without state instruments has emerged. At the centre of what remains of the state, a plethora of militia groups have emerged and have created a militia state with no checks and balances. In this regard, when attempting to resolve the conflict, due cognisance should be given to the fact that Somalia had evolved into a formidable militia state, thus, the need for conflict resolution approaches to deal with a state which has been captured by militia groups that are not accountable to domestic and international law regulating the behaviour and conduct of wars.

While the Addis Ababa conference proceedings were under way, militia leaders were also playing power politics in Somalia. Bradbury (1994: 26) observes that factional leaders initiated an internal regional peace conference, primarily to attain political superiority over their rivals. To this end, two peace conferences were initiated, one focussed on Kismayo and the lower and middle Juba regions and the second one focussed on Galkaiyo and the central regions of Mudug and Galgabuud. The Kismayo Peace Process led to the Jubaland Peace Agreement and was supported by UNOSOM. The Galkaiyo process was locally driven and did not enjoy UNOSOM support, mainly due to the involvement of General Aideed. The Galkaiyo peace process was convened predominantly by the Habr Gidir, Majerten and Marehan clan elders in the Mudug region. The elders' initiative followed the military setback of General Aideed, by the

Abdullahi Yussuf Ahmed militia group, and the dispute was over the rich grazing land in the Mudug region. The defeat of General Aideed is regarded by Lewis (2002: 287) as the turning point that forced General Aideed to participate in the Addis Ababa Conference.

Bradbury (1994: 28) states that it was not clear where the initiative of the Galkaiyo peace process came from, and one of the assumptions is that it was initiated by the two militia leaders, General Aideed and Abdullahi Yusuf Ahmed, while the other possibility is that it was initiated by clan elders and hijacked by the two militia leaders with the aim to strengthen their own support bases with special focus on the Addis Ababa peace conference. The state building approach to resolving the conflict became a contestation by militia leaders, in context, the Addis Ababa was perceived by the militia leaders, Aideed included, to be a platform for militia power projection within Somalia. According to Bradbury (1994: 28) General Aideed called a meeting on 29 May 1993 to draft a peace agreement for the central and southern regions of the country with the hope that UNOSOM would provide the financial and logistic support he requested earlier. UNOSOM's refusal to support General Aideed's domestically driven peace efforts was perceived by General Aideed to be an indication of the UN system's taking sides with some disputants in the Somali conflict, which further compromised the UN's neutrality on issues in the conflict. Vinci (2009) suggests that given the conduct of UNOSOM in the Somali conflict, the UN was treated by militia groups as an actor in the battle for the balance of power relations within militia groups. This descriptive behaviour reflects how the UN system became a party to the conflict, and compromised its long-term engagement in finding sustainable peace to the Somali conflict. The use of Chapter VII in the Somali conflict will question the role of peace making by the UN and the Security Council in particular for ever.

Similarly, the Mudug dispute fragmented the SSDF into two factions, the military and political factions. SSDF's victory against General Aideed's militias also made the SSDF

leadership to decide on participating at the Addis Ababa peace conference and sign up to its terms (see Lewis, 2002: 287). The UN made the strategic error of pursuing the strategy of marginalising General Aideed politically and militarily in Somali. By doing this, it violated the basic mediation principle of remaining neutral on issues about which disputants are in conflict (see Mayer, 2004: 85). The marginalisation of General Aideed by UNOSOM further polarised the already precarious political and military relations between General Aideed and UNOSOM which resulted in the killing of 24 Pakistani peace-keepers of the UN force on 5 June 1993. The Addis Ababa peace conference was compromised by the UN taking sides with some clan-based militia groups. The clan based political affiliation is a characteristic of the body politics that was encouraged and nurtured by the Siad Barre regime, and it has become a defining feature of the Somali political system, albeit the contemporary militia state without a government with domestic legitimacy as reflected in the social contract theory (see Rotberg, 2004: 6; Rousseau, 1993: 207)

General Aideed was central to the Addis Ababa agreement as illustrated by the collapse of the peace process once he decided to withdraw his support for the process. Similarly, General Aideed had the capacity to influence the peace process either way given the organisational capacity of his militia's control of a large part of the capital city. The mediation team at the Addis Ababa conference were oblivious to the strategic importance of General Aideed and his organisational infrastructure that had the possibility of transforming the conflict for the better fundamentally, had the mediation reached out to him. The mediation was instead entangled in pursuing the military defeat of General Aideed to the detriment a political settlement of the conflict in Somalia. The military confrontation between General Aideed's militia group and UNOMOS, and the eventual killing of Pakistani peace-keeping troops dealt a blow to the Addis Ababa peace agreement. There was an inherent contradiction in the UN strategy of making peace with General Aideed while striving to weaken him militarily.

Meanwhile, in 1993 following the withdrawal of UNITAF, the situation in Mogadishu turned into an urban war of attrition between the UN peacekeeping force and General Aideed's militias, thus finally rendering the Addis Ababa agreement a failure. The TNC could not be formed because of a lack of political commitment by signatories to the peace agreement. Various role-players' political manoeuvring to outclass each other was also evident by them holding peace conferences in areas of their control, some supported by the UN. The other challenge to the peace process can be located within the cognitive conflict theory by Mayer (2000: 4-98) that identifies a three-dimensional perspectives of conflict that also includes conflict in terms of a behavioural (action) perspective. Fundamentally, the conflict was not yet ripe for peaceful resolution and there was a mutually hurting stalemate among militia groups (see Zartman, 2008: 17&54; Zartman, 1999: 291).

The other structural challenge of the Addis Ababa process was the failure to place the root causes of the conflict on the negotiation table. Some of these issues, such as the fight over grazing land in the Mudug region, were ignored in favour of political expediency with regard to the establishment of a central government. Similarly, an agreement on a ceasefire without a clear structural framework for the implementation was a shortcoming of the process, the peace process should have developed unambiguous modalities for the cantonment of militia groups. A strategy of cantonment and eventual disarmament should have been negotiated with all the militia leaders, taking into account the security dilemma among the clan affiliated militia groups, and clan elders would have played a pivotal role in this regard. The approach should have been different from the tactics of isolating and marginalising General Aideed's militia group (see Lewis 2010: 132; Adam, 2008: 99; Rutherford, 2008: 146).

Next, this chapter explores the Cairo peace conference (1997) which was short lived due to the conflicting interests of the mediation and those of the disputants. At the same time, militia groups were focussed on the political realignment of forces within the

country. The creation of a central government as an instrument of transformation of the conflict (see Vinci, 2009: 85) was gradually becoming an intractability in Somalia. The Cairo process was also doomed to failure due to conflicting interests of international mediation with regard to militia groups perceived to reflect the political interests of a particular country's interest, in this case, those of Ethiopia.

5.4 The Cairo Peace Conference (1997)

The Cairo peace conference was co-sponsored by the governments of Egypt, Libya and Yemen, and was attended by twenty-eight warlords and factional leaders. Elmi and Barise (2006: 40) observe that at the time, Somalia's warlords and factional leaders were divided into two groups: The Ethiopian-supported Somali Salvation Alliance (SSA), which consisted of fifteen factions and the Somali National Alliance (SNA), which consisted of 13 factions and received limited support from Libya.

Ali Mahdi led the SSA, and Hussein Mohammed Aideed was chairperson of the SNA. The objective of the Cairo peace process was to re-establish the central government which had totally collapsed. The form and type of a future Somali government was a contestation space by international community, and no due consideration was given to Somalis. In this context, Elmi and Barise (2006: 40) allege that Ethiopia openly and effectively destroyed the Cairo peace process by encouraging Abdullahi Yusuf Ahmed and General Adam Abdullahi Nur to leave the conference and reject its outcomes. These two militia leaders were deemed to be critical role-players at the conference. The Cairo conference was thus relegated to failure once the two militia leader left. It is also alleged that they went to Addis Ababa from Cairo. Similar to their earlier Addis Ababa peace conference, the Cairo process lacked a proper structural focus on resolving the root causes of the conflict; its main aim was to create a central government.

A state- building approach to conflict resolution in Somalia seems to be a short-term solution, to this end, there is a wider discourse in the field of conflict resolution in

which Kriesberg (2009: 29) argues that conflict resolution workers have a different perception on the matter compared to conflict analysts, who stress long-term changes and strategies for conflict transformation; while practitioners tend to focus on short-term conflict management policies. Both the Addis Ababa (1993) and the Cairo (1997) processes expose the dominant view of the mediation focus on the short-term management of Somali conflict resolution which was not underpinned by a diagnosis of issues driving the conflict and most importantly, issues making the conflict resistant for peaceful resolution. There is no evidence that the Cairo process enjoyed internal legitimacy within Somalia. Like the Addis Abba process, the Cairo process failed to put the root causes of the conflict on the agenda for the negotiations for consideration by the disputants. This process was initially perceived as a peace initiative by the Arabs by East African states; thus it did not have any support within the Organisation of African Unity (OAU). The African-Arab divide on the Somali conflict was a microcosm of a broader political challenge within the OAU and resulted in the organisational failure to develop instruments of peaceful conflict resolution on the continent. Subsequently, the Cairo process, like the Addis Abba, failed on account of a lack of political focus on underlying causes of the conflict, compounded by the absence of a coherent African and global approach to the resolution of the Somali conflict.

5.5 The Arta Peace Conference (2000)

The Arta Peace Conference was held against the background of the successive failures of the Addis Ababa and Cairo peace processes, and the highjacking of the Somali state by a plethora of militia groups often supported by their clansmen. In January 2000, President Ismail Omar Guelle of Djibouti embarked on what Lewis (2002: 291) describes as a more ambitious, new and in many respects novel Somali peace plan. It was well received by the IGAD countries and was endorsed by the US, Italy, Egypt and Libya. The peace process was named after the Djibouti City of Arta.

According to Elmi and Barise (2006:41), the conference was the largest Somali owned peace process ever held, with more than 3000 Somalis in attendance representing traditional leaders, civil society organisations, intellectuals and businessmen. Lewis (2002: 292) states that the plan of the Arta process was to bring a mixture of people drawn from every segment of the Somali nation together, including minority Bantu, Arab and other communities and social groups.

Although the conference was regarded as a gathering of Somalis representing an array of society's interests, there was no system to test representativity of delegates and their mandate. Lewis (2008: 81) states that in practice, many people who claimed to be duly appointed representatives were simply self-appointed, and this remained one of the most obvious flaws of the Arta process. Openly reflecting political realities for the first time, membership of the resulting assembly was based on clan quotas and gender representation, and seats were allocated accordingly: 44 sets each for the Darod, Hawiye, Digil Mirifle, and Dir clan families, 24 seats for minorities, 25 for women and the balance of 20 picked randomly by the mediator, the President of Djibouti without any criteria developed for such a selection (see Lewis, 2008: 81).

The above-mentioned clans' representatives became members of the TNA. The conference also appointed Abdulqasim Salat Hassan as President of the TNG despite the fact he was a former enthusiastic exponent of Siad Barre's scientific socialism and a prominent Minister of Interior during Siad Barre's rule. Consequently, the Somalis associated the TNG with vestiges of Siad Barre's regime thus raising the critical question of domestic legitimacy a basis for a functioning government. In this context, Rotberg (2004: 6) indicates that citizens depend on the state to secure their persons and free them from fear. In this instance, it would have been difficult for the Somalis to have any confidence in the TNG as it lacked a broad political appeal for other clans not represented at Arta, and it was primarily backed by the Habr Gidir Ayr sub-clan of the Hawiye.

Moreover, Lewis (2008: 82) estimates that 60% of the 245 members of the TNA came from Siad Barre's former members of parliament. Given these dynamics, the Arta process' legitimacy was questioned before its implementation began. Consequently, the TNG and TNA did not enjoy the support of Somalis, let alone that of recalcitrant warlords, such as Mohammed Qanyere Afrah, Musa Saudi, Ali Osman Atto, Hussein Aideed, Mohammed Dhere and Abdullahi Yusuf Ahmed. The parochial clan political focus of the TNG has proven to be a factor in its failure, and reinforced by the perception that the TNG serves the interests of the sub-clan that backed it politically. The principal backers of the TNG were limited to the Habr Gidir Ayr sub-clan of the Hawiye, confined to a few streets in Mogadishu. Murphy (2011: 75) contends that no other major clan grouping supported the TNG wholeheartedly and it was opposed by many of the warlords that the Arta process had attempted to marginalise. Conversely, the TNG's capacity to govern was limited to a small area in Mogadishu with recalcitrant militia/warlords in control of the rest of the capital city (see Lewis, 2008: 82). This again opens up the issue of who participates and what happens when certain actors are excluded from the peace process.

Abdulqasim Salat Hassan played a pivotal role in the pacification of areas under control of the TNG. He did this by forging a working relationship with prominent Islamic leaders such as Shaik Dahir Aweys, whom the US accused of having links with Al-Qaeda's international terror group. The working relationship between the TNG and Islamic leaders had unintended consequences for the country's body politic (see Tadesse, 2003: 60). In this regard, suspicious of the TNG long-term vision for the country was clouded by its relationship with the Islamic Courts, thus, Shaikh Dahir Aweys decided not to support the transitional government actively in order not to give credence to the argument that the TNG was intricately linked to the courts. The Sharia courts as they were commonly known, proved to be a formidable force in developing some system of government in areas of Mogadishu under their control, prompting Tadesse (2003: 43) to argue that while the TNG was preoccupied with obtaining

international legitimacy, the Islamic Courts flourished in Mogadishu, Benadir and the adjacent Hiran region, with the cumulative effect of gradual Al-Ittihadisation of Mogadishu and its environment.

The failure of the Arta peace process lay in its lack of focus on conflict resolution and failure to create a mechanism to ensure that the underlying causes of the conflict were addressed in a systematic and coherent manner. The conference's central government creation before the resolution phase of the conflict was a short-sighted approach to the resolution of an intractable conflict which had shown resistance to military resolution. The conceptual framework for creating a government before making peace has become a defining feature of international diplomacy in the resolution of the conflict since the Arta Peace Conference, despite its shortcomings and failures in the Somali context.

Abdulqasim Salat Hassan's preoccupation with international legitimacy was perhaps intended to consolidate external sovereignty or what Risse (2011: 11) calls "Westphalian" sovereignty that is more often imposed on a collapsed state such as Somalia because instruments of state power have collapsed and the state cannot defend itself against external military incursions by other hostile states. Abdulqasim Salat Hassan should have channelled the focus of his transitional government to seek domestic legitimacy, not only within his sub-clan, but across the broader Somali clan divide. The TNG should also have made an attempt to reach out to the Somalis in order to accommodate their concerns, and to mobilise them in addressing the underlying causes of the conflict.

Elmi and Barise (2006: 41) claim that the international sovereignty of the TNG was undermined by Ethiopia in October 2000 when it publicly stated that the Arta process was not complete, and organised all the factions, regions and personalities that had opposed the Arta Conference. Elmi and Barise (2006) further allege that Ethiopia also recruited some Arta participants who were not satisfied with the posts for which they were nominated and brought them together in the city of Awasa, and helped them

create the Somali Reconciliation and Restoration Council (SRRC). The SRRC became an organisation that was later dominated by the warlords and some of them became opponents of Ethiopia as will be explored when dealing with the Mbagathi peace process.

The process of government building in Somalia was a contested terrain in the Horn of Africa region as reflected by the above-mentioned behaviour of Ethiopia. The differences stem from the fact that there is no common system of government in the region to allay the fear at the core of the liberalist assumption that liberal democracies do not go to war with other liberal democracies (see Owen, 1998: 137). The irredentist tendencies by Somalis were other contributing factors to the core of contestation over the form of government Somalia should have. The Ethiopian's desire to create a parallel peace process to the Arta process stems from a neorealist 'balance of power' concept, in which an assumption can be made that Ethiopia sought self-preservation through the creation of a peace process that will fundamentally provide some guarantees that the country's hegemony is preserved in the Horn of Africa region. At the heart of this neorealist approach is Ethiopia's conflict with Eritrea intended to ensure that the political and military balance of forces are in Ethiopia's favour. The political alliances that Ethiopia sought to create with some disputants in the Somali conflict were not founded on any shared political or ideology values, but rather on a military superior position in the region (see Keohane, 1986: 195). Similarly, Vinci (2009: 59) argues that the balance of power is the fundamental force that will draw together an actor with potentially anyone, even recent enemies, in order to protect and preserve their interests. This flexibility of relations is an important feature of the balance of power as we shall see when exploring the Mbagathi peace process and the subsequent collapse of the TFG in 2007.

Elmi and Barise (2006: 42) suggest that by keeping the Somali people divided and weak, the regime in Addis Ababa believed it could eliminate any threat from Somalia.

Moreover, Ethiopia intended to retain the contested Ogaden region and to gain unlimited access to Somali ports by signing agreements with clan chiefs on unequal terms. Entering into agreements with clan chiefs reflects an acceptance that there is a functioning governance controlled by factional militia groups supported by their clansmen (see also Moller, 2009: 20). Theoretically, the Arta Peace Conference was a government making process influenced by the neo-liberal assumption that the creation of a central government would lead to the resolution of the conflict. The contrary was proven by the Arta process, it failed to become a platform to transform the conflict in Somalia. The Somali conflict has also not produced a victor, in spite of the assumption by realists that allowing disputants to engage in a perpetual conflict would lead to fatigue and compel them to seek a peaceful resolution of the conflict eventually. (see Zartman, 2008: 54). There was no political or military party capable of defeating the other militarily, there was also no political party capable of imposing its hegemony on the entire country, except in their militia controlled fiefdoms.

The Arta peace conference made similar mistakes to those made during the Addis Ababa peace conference and the Cairo peace conference by equating the concept of 'state building' with peace-building. Like the previous peace processes, the Arta process failed to persuade disputants to develop concrete measures to address the underlying causes of the conflict. Arta did not learn from the Addis Ababa process that an agreement on a ceasefire without a clearly defined implementation mechanism would not bring peace to Somalia. The mediator of the Arta process, the President of Djibouti, had powers beyond that of a mediator: he had the power to alter the structural organisation of the peace process by appointing people to the government structures that should have been the result of a negotiation process. The powers of the mediator were a source of criticism by some conference participants and observers. Lewis (2002: 295) alleges that sceptical Somali commentators asserted that the TNG was essentially a vehicle for business interests for President Guelle. Revelations by Lewis (2002: 295) that one senior minister of Djibouti government boasted that he was only part of the Arta

process for money, further reinforced sceptics' allegations that Djibouti's interest in the peace process was driven by President Guelle's commercial interests. The mere existence of such allegations against the mediation contributed to the eventual collapse of the peace process. The conference outcome lacked domestic sovereignty and was not sustainable as there was no ownership of the peace process by Somalis. The lesson here is that imposing a solution on the peace process is the ant-thesis of the role and responsibilities of a mediator.

President Guelle's management of the peace process was further compromised by his powers to dictate terms to the disputants as discussed above is the anti-thesis of scholarship's definition of the role and responsibilities of a mediator in the negotiation process. In this context, Moore (2006: 8) defines the role of the mediator as a person who assists the principal parties to reach a mutually acceptable settlement on the issues in dispute voluntarily (see also Zartman, 2001: 427; Kressel, 2006: 735 in chapter two of this study). The decision-making powers of the mediator were indicative of the conference sponsor's imposed solution on the outcome of the process. Lewis (2002: 295) suggests that given the influence of the mediator on the conference, sceptical Somali commentators asserted that the Arta process was essentially a vehicle for President Omar Guelles' business interests in Somalia. The allegations against President Guelles, the mediator of the process are an affirmation that a Somali militia state serves the interests of various role players in the region.

The absence of powerful militia leaders at the Arta peace conference was a major cause of failure for the process. There is no evidence that efforts were made to entice the Mogadishu-based warlords to be part of the conference. The lack of desire to ensure inclusiveness of the process could be attributed to the failure of the mediation to recognise the centrality of militia leaders who have transformed Somalia into a militia state, divided into militia fiefdoms, and that any efforts to resolve the conflict would require active participation of all militia groups without exception. The civil militia

leaders have realised the power they wield over the peace processes and they have used such power to frustrate the resolution of the conflict. Resolving the conflict may have a direct economic effect on their long term survival. The mediation should have recognised that in this case, the militia groups were benefitting from the proceeds of a failed state, and it would take more deliberate efforts to bring them to the negotiation table. The mediation structure of the Arta process was not geared to managing these challenges pertaining to creating a broad forum of negotiation that is inclusive of all role-players in the Somali conflict. The dynamics of the Somali conflict were such that, the state has not only failed, but totally collapsed and in its place, the new militia state has emerged.

Zartman (1995: 9) suggests, that in a failed state, the informal economy tends to take over, overshadowing the formal economy in its transactions and escaping control of the state. The situation is different in the Somali militia state; there is no competition between the formal and informal economic sectors, because the formal sector has collapsed and in its place the militia group's control of the economy and other sectors of society has emerged. Consequently, Crocker *et al.* (2009: 495) argue that the dividends of failed states are such that those who are beneficiaries of the war economy may have a strong economic incentive to keep the conflict going. There is a compelling reason to make continuous efforts to create what Zartman (1999: 29) calls mutually enticing opportunities (MEO).

The failures of the Arta process are not only limited to the conceptual approaches of the conference; spoilers and external interests are also to blame as reflected earlier. The Mogadishu-based militia groups have been the most active force involved in sabotaging the Arta process agreement as they stood to lose their economic stranglehold on the country their illegally acquired wealth and their political domination of the country's body politics. In addition, militia groups also stood to lose the advantages they had gained from the militia state, such as profiteering from the diversion of food aid,

exporting scrap metal and, the sale of arms, particularly small arms to illicit traders in the Horn of Africa region and beyond.

When the author visited Mogadishu in 2006, the city business was in a functioning state compared to the political system. The author was taken around Mogadishu by Mohammed Qanyere Afrah, Ali Osman Atto, Mussa Sudi, Omar Finish, Rashid Rage and Mahmud Sifri Mohammed to show their level of cooperation in the pacification of Mogadishu. At the same time, the author was able to observe the extent to which militia leaders were economically entrenched in the war economy of Somalia. The main economic activities were evolving around the main market in Mogadishu, the Mogadishu sea port and the Daynile aerodrome that were controlled by factional militia leaders. The militia leaders' economic stranglehold on the country was not limited to the abovementioned activities, they included control of the mobile phone networks, the Coca Cola plant in Mogadishu, qat trafficking, the currency exchange and the fishing rights with regard to foreign companies, with some fishing vessels coming from developed countries. Given the economic stake of these militia leaders, it was evident that they would not easily relinquish their economic stranglehold without a fight, thus an incentive scheme was required to induce them to retreat from the economy of conflict and war.

The Ethiopians' failure to underwrite the TNG encouraged those who opposed the Arta process to launch a sustained campaign against the TNG. Although Ethiopia had legitimate concerns regarding the irredentists previously sponsored by the Siad Barre regime, working against efforts to build peace cannot be justified or condoned. A stronger Somalia with the capacity to manage its domestic affairs in the long run, may benefit Ethiopia's security concerns and contribute to sustainable peace in the Horn of Africa. Similarly, Ethiopia's security concerns have created a security dilemma with militia groups controlling Somalia. The Ethiopian behaviour in the Somali conflict should be seen within the security dilemma context that Kasfir (2004: 59) argues that a

security dilemma occurs because a large number of individual in every society make decisions about their personal security that are contingent on their expectations about the decisions of others. Similarly, Vinci (2009: 54) argues that the Ethiopian state felt threatened by armed groups within Somalia because they are obviously a security threat that might support internal Ethiopian threats. At the same time, Ethiopia's defensive manoeuvring was perceived as a threat by armed groups in Somalia.

While the Arta peace process was facing its challenges regarding domestic and international credibility, the new class of civil militia leaders was consolidating its stranglehold on the turbulent Somali political space, often with unprecedented disregard for the humanitarian needs of the local population. The Somali civil militia groups were at the same time introducing a new phenomenon in the failed and collapsed states by fusing warlords and civil militias into a single military component, and challenging the very foundation of a state institution founded on the social contract. These groups have cohesive governance, an economic system, the ability to motivate people, particularly their clansmen and a military capability to sustain a conflict for uninterrupted and long periods of time (see Vinci, 2009: 27).

As opposed to most collapsed states such as Mali, Afghanistan and the DRC, where governments remain in control of the capital city, but failing to exert the control parts of the country, there was no control of the capital city in the case of Somalia. The behaviour of civil militia groups in Somalia was totally different from these countries. Though militia groups consistently terrorise and torment the civilian population, clans remain loyal to their militia leaders as they are the protectors of the clans. Militia leaders equally depend on their clan lineage for a supply of militia recruits. There is an interdependent relationship between militia leaders and clan elders, militia leaders cannot do without the support of the clan elders and clan elders need the security protection of their clan militia groups for their security, protection of their grazing land

and that of their animals. This study refers to these militia formations as the third generation civil militia groups as reflected in chapter two.

The concept of 'power-sharing' first emerged during the Addis Ababa process, then the Arta process took it further by introducing power-sharing arrangements based exclusively on clan quotas. The following analysis of the Mbagathi process will explore the impact of clans and the application of power-sharing in a militia state and the role played by neighbouring countries in the peace processes, in particular, with regard to their role as mediators. The matter of the mediators' interest in the peace process would also be explored to establish the reasons for their failure in helping disputants to achieve a sustainable peace in Somalia.

5.6 The Mbagathi Peace Conference (2004)

The Mbagathi Peace Process was convened as a result of the failure of the Arta Peace Conference (2000). The Peace Process was sponsored by the regional body IGAD. Lewis (2008:91) observes that the Mbagathi process had repeated all the major mistakes made during similar and unproductive Somali peace processes. The most critical mistake was a lack of a roadmap for peace-building before the formation of a central government. The Mbagathi process took place in a period of challenging international security threats posed by global terror groups, characterised by the 11 September 2001 attacks on the US. The fact that Somalia is predominantly Muslim, meant the US government would have an interest in the direction the peace process was going, mainly due to the Bush Administration's global strategy and war on terror.

Like Afghanistan, the failed Somali state was viewed by the Bush administration as a safe haven for Al-Qaeda inspired terrorist groups. In this regard, the US administration exerted considerable policy influence over the state building approach to the resolution of the Somali conflict, perhaps hoping for a friendly Somali government in the global war against terror. The state-building approach to the Somali conflict is challenged by Menkhaus (2003: 19) who argues that for external actors, conventional wisdom holds

that a responsible and effective state is an essential prerequisite for development, and a perfectly reasonable position enshrined in virtually all World Bank and UN strategies on development. For Somalis, the state is an instrument for accumulation and domination, enriching and empowering those who control it; while exploiting and harassing the rest of the population (Menkhaus, 2003).

A similar observation is made by Moller (2009: 14) who contends that a relentless quest for state-building in the Somali conflict resolution process is predicated on the entire international system constructed around states to such an extent that it cannot handle stateless territories inhabited by people who cannot be classified as citizens of any state. Menkhaus (2003: 21) states that external mediation tends to focus on a state-building approach and not on peace-building approach, despite the fact that the average Somali would benefit more immediately from a state of peace than a revived central government.

The Mbagathi process was initiated in 2002 in the Kenyan town of Eldorret when it was apparent that the TNG had failed, and the Mogadishu civil militia leaders were becoming a dominant force with tendencies viewed by Kenya and Ethiopia as a threat against their national security. To address the Kenyan and Ethiopian concerns, the Mbagathi process conferred the key role of king makers on Ethiopia in order to maintain some level of cohesion within the IGAD group, and given the propensity of Ethiopia to influence peace process negatively as discussed earlier, thus ensuring that the conference's outcome reflects Ethiopia's concerns, particularly with respect to future leadership positions. Kenyan and Ethiopian's concerns about national security included a spectrum of issues such as political, commercial and social issues. The assumption can therefore be made that a Neorealist definition of security interests limited to the military balance of power was a major factor in defining the strategic intervention approaches of these countries and had no due regard for the quest to find a sustainable solution for the Somali conflict, The situation was further compounded by their parochial definition

of national interests that failed to view the resolution of the Somali conflict as a fundamental contribution to regional peace and stability and by extension, their national interest.

The negotiation structure of the Mbagathi process was predicated on the failed clan representation formula of four and half that stipulated that the Hawiye clan, the Darod, Dir, and the Digil and Mirifle should each select 61 members of parliament and the alliance of smaller selecting 31 members of parliament. The formula was first adopted during the Arta process in 2000. The only addition to the Mbagathi process was the half that was allocated to minority groups. The peace process was compromised by a relentless emphasis on clan formula representation in the process. Innocuous clan identity became a cornerstone of instrumentalist politicians in their quest to occupy positions with the perceived proximate to wealth accumulation, because ethnic conflict is all about political, economic, social, cultural, or territorial issues between two or more ethnic communities (Brown, 2001: 211). The clan-based formula was further given impetus during the Mbagathi process which coined the “four and half formula” of clan representation, notwithstanding the fact that clan elders have previously played a pivotal role in the management of conflicting interests of clans, using indigenous methods of conflict resolution known as *xeer* (Lewis, 2002: 283). Despite the efforts to structure the negotiation process along the clan divide, there has been no breakthrough in the resolution of the conflict. The actual clan involvement in the peace conference has been conspicuously absent, yet there is some level of inter-dependency between civil militia leaders and clan political units (see Lewis, 2002; Menkhaus, 2004; Adam, 2008; Bruton, 2010; Murphy, 2011). Civil militia leaders recruit militias from their clansmen, with the concurrence and support of their clan elders. The assumption can be made that clan elders are the oxygen that breathe life into militia military structures, in this regard, it is logically prudent to pay particular attention to the clan political units in the process of resolving the conflict. Similarly, this correlation between militia leaders and clan

elders confirms the hypothesis that clans are used as instruments of conflict by various actors in the Somali conflict.

Participants at the peace conference were quick to use the collective fear of the future dispensation by questioning the manner in which they had no significant representation that questioned their proximity to perceived positions of power. The notion of power in this regards includes economic wealth, which is used to establish and control the peace process and eventual control of state institutions, which in the Somali situation, has been looted or destroyed by militia groups (see Vinci, 2009: 35). At the centre of the power contestation in Somalia is the clan as a political unit that is used as an instrument of political competition. Conversely, when ethnicity is linked with acute social uncertainty, a history of conflict, and fear of what the future might bring, it emerges as one of the major fault lines along which societies fracture, as was the case in the tragic 1994 Rwanda genocide (see Lake & Rothchild, 1988 :294; Abdullahi, 2007: 48; Wolff, 2006: 33).

Significantly, the Mbagathi process created a platform for civil militia leaders to participate in the negotiation process, which was a departure from the other peace processes that placed an emphasis on conditions for militia leaders' participation in the peace process. Militia leaders had their own agenda going into the peace process, in this context, the Mogadishu-based civil militia leaders such as Mohammed Qanyere Afrah, Omar Finish, Musa Saudi, Ali Osman Atto, Hussein Aideed and Mohammed Dhere, seized the opportunity presented by the peace process to advance and promote their political and clan parochial interests at Mbagathi.

It is important to note that the warlords' participation in the Mbagathi process was a psychological achievement for the peace process given their perpetual attacks on previous peace. The structure of the Somali peace process has attracted different views. Adam (2008: 179) critiques delegates to the conference by arguing that they were selected and not elected representatives of any constituency of Somalis, while Mukhtar

(2007: 125) is of the view that the participants to the peace conference should have been composed of individuals, invited by a plenary committee, with no vested interest in holding political office. These divergent views are a reflection of the questionable legitimacy of the peace process, and the thorny issue of clan based representation at the Mbagathi peace conferences.

The Mbagathi process took two years to reach a fragile agreement that came up with the Transitional Federal Institutions (TFI), which then created the transitional Federal Parliament (TFP) and an executive branch, the Transitional Federal Government (TFG). Adam (2004: 179) alleges that Ethiopia lobbied hard to elect as President Abdullahi Yusuf Ahmed (Majerten), and obliged him to appoint a pro-Ethiopian Prime Minister, Ali Mohammed Ghedi (Abgal), a connection of Meles Zanawi. The new prime minister was not trusted by some Somalis, mainly because of his close association with Meles Zanawi. Ghedi's mistrust was fuelled by allegations within Somalia that his father was an agent of the Ethiopian intelligence service. The Mbagathi process took two years mainly due to the lack of certain capabilities by the main external role-players to influence the process positively that is, Kenya and Ethiopia. Among these leverages as defined by Crocker *et al.* (2009:497); Zartman (2008: 167) was a lack of resources to underwrite the peace process, or what Zartman (2008: 169) also refers to as a side payment.

During the negotiation process, the mediator, Ambassador Kiplagat, was in constant discussions with the author to persuade the South African government to make a financial contribution to cover the costs of the conference. The request for South Africa to provide financial assistance should be viewed within to context of a growing perception within the African continent that places considerable emphasis on getting financial support rather than on intellectual contributions to finding peaceful solutions to the conflicts in Africa. To some extent, this misplaced perception was created by South Africa's propensity to provide financial support to any conflict challenge on the

African continent. The author advised against any financial contribution to the Mbagathi process, mainly due to similar concerns related to donor finance maladministration by the IGAD mediation team. By then, the EU was withholding financing the conference due to concerns about maladministration of the funds. The peace conference was moved from the town of Eldorret to Mbangati due to the lack of financial funding. There were concerns by donor countries that the Eldorret part of the conference was extremely inflated by the service providers in the area. Even more, there were further allegations that these service providers were senior Kenyan government officials.

The author was requested by the facilitator of the Mbagathi process, Ambassador Kiplagat to drive to Eldorret to persuade Mohammed Qanyere Afrah and his faction, the Mogadishu civil militia leaders /warlords to continue participating in the negotiation conference. By then the mediation had lost its strategic initiative to persuade the group not to walk out of the peace process due to the perceived partiality by Mogadishu-based civil militia leaders. These civil militia leaders were concerned that the mediation was working against them in the peace process and allegations were made that both Kenya and Ethiopia were hard at work to ensure that Abdullah Yusuf Ahmed would be the future president of Somalia.

When the author met Abudullahi Yusuf Ahmed, it was apparent that he was given a head of state status by the mediation team, perhaps to enhance his standing as a potential presidential candidate for Somalia. The treatment of Abdullahi Yusuf Ahmed was a reflection of the mediation lack of impartial treatment of parties to the negotiation. The mediation had clearly precluded the process outcome by the manner in which it dealt with parties to the negotiation. The basic tenets of mediation stipulate that the mediator should not appear to impose a decision on disputants. In this regard, Mayer (2002: 191) observes that a mediator does not make decisions or impose a solution, but rather assists disputants to find their own way out of the conflict. The

meetings between the author and Mohammed Qanyere Afrah and Abdullahi Yusuf Ahmed respectively fundamentally transformed the working relationship between them and the author for the better and became instrumental in South Africa's engagement with key role-players in the Somali conflict resolution process.

South Africa was politically reluctant to finance the Mbagathi process because there were no direct threats to the country's strategic interests, nor were opportunities to advance the country's interests with respect to conflict resolution policy on the continent (see Zartman, 2008: 164). South Africa would have preferred some level of political engagement with the process, and not only provide financial support. The author was subsequently given a task by the Department of Foreign Affairs, and later by the president of South Africa to explore the political engagement option. The task was complicated by the Kenyans' fear that South Africa might steal the limelight from them, thus taking away the country's perceived credentials for a UN Security Council seat in the on-going talks about the reform of the UN. Kenya's attitude towards South Africa was indicative of emerging trends within the African continent that was more interested in getting financial support from South Africa, yet, not enthusiastic about the country's ideas on the resolution of the challenges confronting the African continent. Consequently, Kenya and Ethiopia's behaviour during the Mbagathi peace process can at best be characterised as the violation of the basic principle of mediation, not to promote one group's interests at the expense of the other, which created a credibility problem for the mediation process (See Mayer, 2004: 85).

As mentioned earlier, the focus of the Mbagathi peace process was determined and driven by regional and international stakeholders who were removed from the direct impact of the conflict. In this regard, the process failed to draw linkages with the fighting inside Somalia that was exacerbated and in fact intended to influence the balance of power configuration at the negotiation process. In this regard, Mankhaus (2003: 12) observes that this state of affairs has persisted for over a decade, from the

Djibouti Peace Conference (1991) (that is held responsible for sparking the highly destructive war in Mogadishu between militias of General Aideed and Ali Mahdi) that resonated with the 2004 Mbagathi peace process. It was during the Mbagathi peace process that the author was exposed to the resentment of Ethiopia's role in the Somali peace process by a faction of the Group of Eight led by Mohamed Qanyere Afrah.

The pro-Ethiopia faction in the Mbagathi process was led by Abdullahi Yusuf Ahmed. The IGAD mediation team once again requested the author to step in and convince Mohammed Qanyere Afrah and the Group of Eight to support the candidature of Abdullahi Yusuf Ahmed for presidency. The mediation team made it clear to the author the Ethiopia would not accept the candidature of Mohamed Qanyere Afrah for the presidency. The message was quite clear, the preferred candidate must first meet with the Ethiopian approval irrespective of what the conference might decide reflecting a pre-determined outcome of the negotiation process.

The conference eventually elected Abdullahi Yusuf Ahmed as president of the Transitional Federal Government (TFG) in 2003. At the time of his election, Abdullahi Yusuf Ahmed was the president of the autonomous region of Puntland. The political and security situation in Puntland had hit rock-bottom, and Lewis (2010: 189) suggests that the opponents of Abdullahi Yusuf Ahmed in Putland accused him of behaving like General Siad Barre with his questionable reputation.

Effectively, the TFG of the Somali Republic was established as one of the TFIs as defined in the TFC adopted in November 2004 by the TFP in Mbagathi, Kenya. The TFP was formulated according to the 4.5 formula for clan representation, which saw the Somalis' four major clans (the Darod, the Dir, the Hawiye and the Digil and Mirifle) each selecting 61 members of parliament. The alliance of smaller clans selected 31 members of parliament. Abdulahhi Yusuf Ahmed appointed Ali Mohammed Ghedi as Prime Minister. The conference mandated the TFG to guide Somalia to elections in 2009 and to oversee the drafting of a new constitution. (See TFC 2004).

The Mogadishu-based civil militia leaders were included in the TFG cabinet that was a reflection and in some respects, an admission of the centrality of clan representation and politics of militia groups in Somalia. The militia leaders occupied some of the strategic positions in the TFG. Mohammed Qanyere Afrah (Morusade) was appointed Minister of internal Security, Hussein Aideed (Habr Gidir Saad) was appointed Second Deputy Prime Minister, Musa Sudi (Abgal) Minister of Trade and Commerce, Ali Osman Atto (Habr Gidir Saad) was the Minister of Public Works and Housing, and Omar Finish (Abgal) occupied the post of Minister for Islamic Affairs. The composition of the TFG executive was created taking into account that the Somali society was premised on a patriarchal clan lineage system whereby the origin of all Somalis can be traced back to a handful of Samale and Sab patriarchs (See Lewis 2002: 10).

While scholars such as Brown, (2001: 210), Zartman (1998) and Adam, (2008: 82) argue that Somalis are one of the most ethnically homogenous societies on the African continent, clan dynamics have been pivotal in fuelling the Somali conflict and are a factor driving the political instability within the fabric of its society with its traditional vestiges of power adding further complications to the already delicate situation. In this context, instrumentalists will argue that clan differences are used to perpetuate the political interests of some politicians. The clan-political configuration of the TFG was a relationship contingent which occurs when political order erodes, and politicians forged political conveniences in the midst of political conflict (See Bates, 2008: 9), and it not sustainable owing to the very nature of the conflicts' social structure. Similarly, clan identity remains a feature of Somali society and the primordialist school recognises that ethnicity is so deeply ingrained in human history and experience is that it cannot be denied that it exists objectively and subjectively (Wolff 2006: 33).

The political composition of the TFG can be viewed within the context of the instrumentalist school. In this context, Horowitz (1985: 306) argues that the tendency to organise political parties along ethnic lines is extremely strong in most deeply divided

societies, particularly those in which a few major ethnic groups meet at the national level of politics. In the Somali case, all the national political structures were decimated by the Siad Barre and totally collapsed with the military regime in 1991. Thus, the TFG became a coalition of distinct clan groups as opposed to a government that inspired all the Somalis irrespective of clan affiliation and patronage.

Meanwhile, the collapse of the central government in 1991 led to further fragmentation and economic plunder by civil militia groups, and brought them into conflict with each other, sometimes from the same clan, vying for territorial control, political power and clan domination, which bring the economic benefits to clans. According to Lake and Rothchild (1998: 296), competition for resources typically lies at the heart of ethnic conflict, and where ethnicity is an important basis for identity, group competition is often formed on ethnic lines. The forging of an alliance by Mogadishu civil militia groups after the formation of the TFG reflected this paradigm shift to identity politics in the Somali transitional arrangements. Therefore, challenges of the TFG can also be located within its clan structural composition.

The basic operational objectives of the TFG were articulated in its character, which stipulates that the government should relocate to the capital city Mogadishu, and govern the country from there. The TFG was slow to move to Somalia, only relocated temporarily in 2005 to Jowhar on the Shebelle River, about 90 km from the Capital Mogadishu (see Harper, 2012: 65). By then the TFG was fragmented into two factions, one led by its president, Abdullahi Yussuf Ahmed, while the faction was led by the dominant Mogadishu militia leader, Mohammed Qanyere Afrah. The Abdullahi Yussuf Ahmed faction that relocated to Jowhar was under the security protection of the civil militia leader in control of the area, Mohammed Dhere, the uncle of the Prime Minister, Ali Mohammed Ghedi. Mohammed Dhere was a civil militia leader who was dislodged from the Abgal clan by Musa Sudi and Omar Finish. Mohammed Dhere later became

the mayor of Mogadishu following the Ethiopian invasion in 2006 and the defeat of the UIC.

Following a request by Abdullahi Yusuf Ahmed for quiet diplomacy to broker a peace agreement between the Mogadishu militia leaders and the TFG president, the author went to Mogadishu and Jowhar to meet with all the civil militia factional leaders. The author first went to Mogadishu where he met all the civil militia leaders who were part of the TFG, then proceeded to Jowhar and met the TFG prime minister, Mohammed Ali Ghedi. The Jowhar meeting was attended by the Prime Minister and a few Hawiye ministers who relocated to Jowhar, the president of the TFG Abdullahi Yusuf Ahmed was still hesitant, to move to Jowhar without his loyal clan militias. The movement of the Marjeten clan militia group to an area dominated by the Abgal clan militia did not sit well with Mohammed Dhere, and he raised this matter during the author's peace mission to Jowhar in June 2005. The author raised Mohammed Dhere's concerns with Abdullahi Yusuf Ahmed over the telephone, and Abdullahi Yusuf Ahmed did not seem to be concerned about Mohammed Dhere's concerns. Abdullahi Yusuf Ahmed was by then travelling by road from Puntland after assembling a large clan militia group to protect him in Jowhar. The TFG's stay in Jowhar was short, it eventually relocated to Baidoa after what Lewis (2008: 84) alleges was a fallout with Mohammed Dhere.

The author was of the view that it would be possible to reach some agreement between Mohammed Dhere and the Mogadishu based-militia leaders. Such a deal would have required some form of guarantees, particularly given the fact that Mohammed Dhere was in control of one Somalia's arable land, the Shebelle area. The same approach would have been required to address the fears and concerns of militia leaders in Mogadishu, particularly the fear of losing their lucrative economic benefits provided by the ongoing civil war in Somalia. There was no political will to create a positive-sum approach by the mediation, the international community and countries of the region. Military posturing seems to have become the main tool in the international

community's tool box, thus the only solution was perceived to be a military defeat of recalcitrant Mogadishu militia leaders. Militia leaders were apt able to convince their clansmen of an agenda by the Darod clan to impose its hegemony on the predominantly Mogadishu Hawiye clan. The suspicion of Abdullahi Yusuf Ahmed and his Darod clansmen was enough to swing the pendulum in favour of the Mogadishu militia leaders. This stroke of genius by the civil militia leader was also enough to undermine the domestic legitimacy and credibility of the TFG, particularly among the Hawiye clans.

The Mogadishu-based civil militia leaders who were part of Abdullahi Yusuf Ahmed's cabinet perceived the relocation to Jawhar as a direct violation of the TFC, which stipulated that the location of the government would be in the capital Mogadishu. Militia leaders concluded that the relocation of the TFG to Jowhar was in direct violation of the TFI and the Mbagathi compromised position on the seat of government. The move was also seen as an attempt to further marginalise the Mogadishu-dominated Hawiye clan. While Abdullahi Yusuf Ahmed faction of the TFG insisted on the pacification of Mogadishu before any consideration of the TFG's relocation.

The differences regarding the relocation of the TFG exposed the extent to which warring parties still held conflicting views on matters critical for the functioning of the TFG. The disagreement was a contributing factor to the paralysed and toxic political situation within the TFG that further undermined the compromise reached at the Mbagathi process. The problem of implementing the Mbagathi agreement should be viewed in context, in this regard, the literature on conflict resolution places an emphasis on ownership of the agreement reached by the disputants. The Mbagathi process lacked this fundamental requirement of ownership by the disputants (see Albin, 1999: 259; Zartman, 1999: 290; Mayer, 2004: 85).

Lewis (2008: 85) contends that at home in Somalia where the TFG was not regarded as a legitimate government, it found itself confronting growing public hostility to its

claimed status. Lewis (2008) claims that the TFG completely failed to develop any viable local and national administrative organisation and did not restrain, far less control, the criminal activities of its warlords, ministers and assemblymen. Elmi (2010: 25) emphasises that the internal challenges of the TFG were the breakdown of the transitional government into two factions in 2005, namely that of the President and that of the Prime Minister, and the speaker and the warlords on the other side.

The president of the TFG requested the government of South Africa at a meeting in Nairobi with the South African delegation led by Ambassador Mamabolo, also attended by the author, to assist the TFG to mediate in the conflict with the Mogadishu-based civil militia leaders on modalities for their disarmament. The author then visited Mogadishu and Jowhar to mediate on the pacification of Mogadishu. The visit to Mogadishu was organised by Mohammed Qanyere Afrah, who worked with other civil militia leaders such as Ali Osman Atto, Musa Sudi, Omar Finish Bashir Rage and Mahmood Jama. The Jowhar leg of the visit was organised by the Prime Minister, Ali Mohammed Ghedi.

In Mogadishu, the faction raised concerns with respect to the president's refusal to relocate to Mogadishu and the intention to invite foreign forces to pacify Mogadishu before any relocation. The civil militia leaders informed the author of their desire to create assembly points for their militias or cantonment without any conditions except that any cantonment should happen simultaneously across all clans, reflecting some security concerns on their part. They also assured the author that they would provide security for the president and the entire TFG. Even though the warlords were part of the TFG, they were cognitively still at war with each other. The Mbagathi peace agreement did not mean that disputants have resolved the root causes of the conflict as reflected by the suspicions they still had towards each other, they were still cognitively at war with each other. In this regard, Mayer (2006: 99) observes that a resolution on the

cognitive dimension is often the most difficult to attain because people hang on their perceptions and beliefs about a conflict tenaciously.

In Jowhar, the author met with the prime minister and a group of ministers and members of the TFP. The prime minister was clearly not informed about the purpose of the author's visit, hence he could not understand why the author had first visited Mogadishu. The president had clearly not informed his prime minister about the visit. The lack of communication between the president and his prime minister reflected badly on the president's leadership capability. Elmi (2010: 26) reflects on Abdullahi Yusuf Ahmed's leadership by stating that he had brought heavy political baggage with him. His style of leadership, his attitude towards those who differed from him and his loyalty to Ethiopia did not sit well with many important sectors of the Somali society whose support was necessary for the success of his regime.

Lewis (2008: 84) reflects that Abdullahi Yusuf Ahmed missed an opportunity to inspire national reconciliation by mentioning the remarks he made at his inauguration when he boasted that his nickname was the "Jakal" that he had fought in every recent Somali war, and could be counted on to continue to fight. This was no idle boast as vindicated by his behaviour leading to the invitation to Ethiopia to invade the country. It was Abdullahi Yusuf Ahmed's poor leadership skills and management of relations with the Mogadishu-based civil militia leaders that resulted in the unity of civil militia leaders in Mogadishu becoming a cohesive force against his TFG, something the TFG not could afford, particularly at that delicate stage of the transitional government.

The civil militia unity was founded on the basis that the TFG had requested Ethiopia to contribute troops to the intended stabilisation force for Somalia. Civil militia leaders' opposition to Ethiopia became a common denominator among them, and it united them to the extent where they even removed checkpoints in Mogadishu. Checkpoints were a fundamental form of extorting funds from the general public as they were called tollgates by militia groups. The author did observe the fact that these checkpoints were

removed in most parts of Mogadishu, mainly to facilitate the mobility of militia forces across boundary control by other militia leaders who had just forged some unity against Abdullahi Yusuf Ahmed's faction.

Structural fragmentation of the TFG permeated other social formations in Somalia, at the same time when the author was in Mogadishu, a serious military confrontation between Hassan Mohammed Nur, also known as "Shatigudud" or "Redshirt" and Habsade. The former received a large quantity of arms from the Ethiopians that eventually ended in the hands of Mogadishu-based militia leaders, and it was marked by the celebration gunfire in Mogadishu that the author observed while in the city. Habsade's victory over Shatigudud was pivotal in delaying the confrontation between the Mogadishu and Jowhar factions of the TFG. The author's engagement with Mohammed Dhere in Jawhar was cordial and gave the author the understanding that Mohammed Dhere was pragmatic in his approach to the challenges of the TFG.

When Dhere had a fallout with Abdullahi Ysuf Ahmed, he forged ties with his clansmen in Mogadishu and put pressure on Abdullahi Yusuf Ahmed to vacate Jowhar. The fact that the president and his faction relocated from Jowhar to Baidoa. Elmi (2010: 25) states that the parliamentary speaker and the president agreed to end their hostility and hold a parliamentary meeting in Baidoa. The two also had a fallout when the president invited the Ethiopian government to invade Mogadishu. Adam (2008: 180) suggests that the only significant political action taken since the formation of the TFG was to invite Ethiopian military power to impose its authority on Somali politics and society. The political will to convene the TFP in Baidoa was overtaken by the politics of money. The constantly changing political realignment within the TFG was a reflection of the failure of the state- building approach to the resolution of the Somali conflict and commercialisation of the conflict to the detriment of sustainable peace in Somalia.

According to Mukhtar (2007: 125), money played a critical role in the convening of a parliamentary session in Biadoa, the UN paid members a monthly allowance of

US\$1,800 to each Member of Parliament. While on the other hand, Lewis (2008: 85) and Bruton (2010: 7) allege that the CIA backed a coalition of a Mogadishu based civil militia group called the Alliance for the Restoration of Peace and Counter Terrorism (ARPTC). Similarly, a close confidante of Mohammed Qanyere confided to the author that the CIA made regular flights to the Daynile Aerodrome that was under the control of Mohammed Qanyere Afrah and delivered a cash payment of US\$ 5 million to fight the so-called Al-Qaeda. Mohammed Qanyere Afrah also requested some money from the author to help them fight what he called international terrorism. The practice of buying loyalty by the US is not foreign, Woodward (2004: 306) alleges that the CIA had previously smuggled US\$ 35 million into northern Turkey to buy political loyalty and intelligence just before the Iraqi war in 2003. This behaviour suggests that it is within the operational framework of the CIA to use large sums of money to buy their way into conflict areas of Somalia.

The failure of the TFG to consolidate itself resulted in a vacuum since the dissolution of the TNG, though the vacuum concept is only perceptual and had no domestic legitimacy. Although the TNG was recognised by some IGAD member states. On 25 June 2006, after the defeat of the Somali Civil militia leaders, a new force by the name of UIC emerged as the authority over the previously fragmented Mogadishu, ruled by local clan militias and business interests, the courts were connected with the population by making security a key issue and turned their guns on warlords within and outside the alliance (see Harper, 2012: 81; Murphy, 2011: 81).

The UIC had by then evolved into a national governing structure led by Sheik Hassan Dahir Aweys (Habr Gidir Ayr) after a power struggle with Sheikh Sharif Ahmed. In the new structure, Dahir always took charge of the policy making consultation committee and Sharif Ahmed was put in charge of the Executive Committee responsible for day-to-day administration and was to report directly to Sheik Hassan Dahir Aweys.

The UIC with the support of the Mogadishu people defeated Mogadishu based civil militia groups and, Elmi (2010: 83) alleges that the Daynile Aerodrome controlled by Mohammed Qanyere Afrah fell to the courts on February 2006, cutting the strategic line of logistical support for the warlord and his faction and he fled Mogadishu in June of the same year. The UIC presented the best alternative to the civil militia rule of Mogadishu that was characterised by extortion and brutality. For the first time since the fall of Siad Barre in 1991, a single political entity managed to establish its authority in Mogadishu, and ordinary citizens found that it was safe to go about their business in the streets of Mogadishu. However, the UIC was not a monolithic political formation, in this regard.

Lewis (2008: 86) argues that although the courts were essentially, a rather loose and informal collection of local traditional Sharia courts initially and mainly inside Mogadishu, they varied regarding the degree of religious fundamentalism of their Sheikhs, their cohesion was underpinned by kin ties within the local Hawiye clan. Lewis's argument is a reflection that the UIC is not an ideologically monolithic group, it is rather influenced by a plethora of domestic dynamics, ranging from clan loyalty to basic matters of daily survival of the group. Shaik Hassan Dahir Aweys is the only high profile UIC leader known to harbour religious fundamentalist views while the majority of Sheiks are moderate Sunnis. It was incorrect to characterise the whole UIC as a religious fundamentalist formation.

In the past, the profiling of the UIC as a fundamentalist organisation had formed the basis of countries such as Ethiopia to launch military operations in Somalia and to intervene on matters related to the future leadership directions of Somalia. Fundamentally, Ethiopia's interest in Somalia was driven by its hegemony in the Horn of Africa region. The fundamentalist argument had also been used to access US military and logistical support by the Ethiopian government. The argument regarding fighting the Islamic fundamentalists or Al- Qaeda aligned organisation still draws the sympathy

and support of the US foreign policy lawmakers and operatives alike. Menkhaus (2005: 39) argues that the U.S. Department of Defence relied on the Ethiopian military intelligence and later discovered that the Ethiopians and some of their Somali allies had vested interests in exaggerating the threat of radical Islam in Somalia.

The courts gained valuable legitimacy and popular support through their ability to provide a semblance of law and order. They strengthened their militia base to provide security in the areas under their control. The critical strength of the UIC was its emphasis on decentralising political power, thus allowing the broader participation of clan elders and communities. This was a different approach to that of the TFS, which places a great deal of emphasis on the centralisation of the power approach. The UIC was also able to open the Mogadishu international airport and seaport for commercial operations, an accomplishment that had proved elusive for all transitional governments, including the TFG (see, Lewis, 2008: 87; Elmi, 2010: 83; Adam, 2008: 180).

The interests of the UIC were essentially twofold: gaining political power and the Islamisation of the political, economic and social structures of the country. Sheik Hassan Dahir Aweys' statement that the UIC would not be satisfied with anything less than a future Somali state governed by Sharia, sent a chilling message to both the US and Ethiopian governments. Adam (2008: 180) suggests that it was such utterances that facilitated and played into the hard-line global anti-terrorism policies of the Bush doctrine and its proxy-ally, Prime Minister Meles Zenawi of Ethiopia to instigate the defeat of the UIC that was viewed through the prism of a joint global war on terror by Washington and Addis Ababa. On a strategic level, Ethiopia may have been more interested in entrenching its hegemony over Somalia and the region in general than winning the war on terror rhetoric. Thus, the US and Ethiopian governments responded positively to the TFG's pleas for international and regional military support against the UIC that had support through most of South Somalia and within the attacking side of Baidoa, the seat of the TFG.

To some extent, the Ethiopian government's hostility towards the UIC was predicated on the fear of an Islamic state with irredentist tendencies. The door for a negotiated solution between the TFG and UIC was essentially closed when that UIC was elevated to the role of villain, demon, rogue and pariah by the TFG and its allies in the so-called war against terror (see Spector, 1999: 309). In December 2006, after the UIC had expelled the notorious civil militia leaders from Mogadishu and the surrounding regions, the Ethiopian government declared war on Somalia and ordered its troops to invade Somalia (see Elmi, 2012: 84; Adam 2008: 181; Lewis, 2008: 88).

By the end of 2006, the Ethiopian army was advancing to capture Mogadishu and the city eventually fell in May 2007 and Abdullahi Yusuf Ahmed was declared the victor in a war he did not fight. By 2008, the dynamics of the conflict had changed, and the Ethiopian army was confronting an insurgency that was becoming more sophisticated and was exhibiting similarities with the Iraqi and Afghan conflict. Furthermore, the Hawiye youths were swelling the ranks of the resistance against the Ethiopian occupation force.

The Ethiopian occupation force emboldened the resistant movement and resulted in the formation of the Al-Shabaab as a cohesive force of resistance. The situation was further complicated by the US's air strikes in Dabley and Dusamareb in which Adam Hashim Ayro, the military commander of Al-Shabaab was killed in April 2008. (see Elmi, 2010: 85). Adam (2008: 180) argues that the US justified its military attacks by alleging that the Somali Islamic Movement was aligned with extremists who were harbouring terrorists, including those suspected of the 1998 bombing of the US embassies in Kenya and Tanzania. The Ethiopian military intervention meant that the Mbagathi negotiated process has been replaced by a military approach to resolve the Somali conflict. Although a military solution is an option for the resolution of the intractable conflict, the approach has not yielded any positive results since the collapse of the Somali state in 1991. (see Crocker *et al*, 2009: 495).

Following the Ethiopian military occupation of Somalia in 2006, the Ethiopian and Kenyan governments sent their foreign ministers to some African countries including South Africa. The purpose of their mission to South Africa was to persuade the government to send what they called a peacekeeping military force. The Ethiopian foreign minister met his counterpart Nkosazana Dlamini-Zuma in Pretoria at a meeting also attended by the author, to request that South Africa should urgently send a military force to Somalia. The Ethiopian minister displayed some level of desperation to get the South African forces on the ground in Somalia. The desperation was mainly due to the realisation that the invasion of Somalia entailed some financial expenses in maintaining a protracted occupation, with the potential to strain the country's finances that may eventually result in domestic political, social and economic hardships with the potential to create instability in the country.

The South African force was supposed to relieve the Ethiopian occupation force, which Foreign Minister, Seyoum Mesfin acknowledged was deeply resented by Somalis given the historical conflict of the two countries. The Kenyan Foreign Minister, Raphael Tuju, made a similar request a few days after the Ethiopia visit to make a similar request. There were two views in the South African government with President Thabo Mbeki initially agreeing to send a military battalion to assist with medically related issues. The Minister of Foreign Affairs and the Department were opposed to any form of South African military presence on the Somali soil. The President and the Department of Defence were eventually persuaded that the Somali conflict would be best served by a diplomatic rather than a military approach.

Meanwhile, the situation in Mogadishu was becoming more delicate for the occupying Ethiopian force. Lewis, (2008: 90) alleges that as a result, Abdullah Yusuf Ahmed and his Ethiopian military allies used their heavy weapons ruthlessly to suppress the dwindling population of the Hawiye still surviving in Mogadishu, preventing the wounded from gaining access to medical care and cutting off emergency food supplies.

In 2009, the TFG and Sheikh Sharif Ahmed's Alliance for the Reliberation of Somalia (ARS) agreed to what they called the government of national unity (Elmi, 2010: 138). Sheikh Sharif Ahmed was eventually elected President of the TFG by the TFP on 31 January 2009. The election of Sheikh Sharif Ahmed was a vindication that the UIC was not a fundamentalist organisation as initially alleged by the Ethiopian and US governments, because it was the same Sheikh Sharif Ahmed who was the leader of the UIC and was elected president of the TFG with Ethiopian and US governments support. The opportunity to use the short stint of the UIC rule of Mogadishu to transform the conflict in Mogadishu was lost, mainly due to the incorrect diagnosis of the UIC as both a political and religious formation with the potential to make a significant contribution to the resolution of the Somali conflict. The mistake of the Mbagathi process can be located in its failure to allow the interests of external actors to predetermine the outcome of the negotiation process (see Zartman, 2009: 324; Zartman, 2002a: 72; Moore, 2003: 15).

Lewis (2008: 91) critiques the TFG's government making process by observing that the Mbagathi process made a similar mistake as the previous mistakes by failing to insist on the parties actually making peace before trying to form a government. In this regard, changes of the TFG's presidency from Abdullahi Yusuf Ahmed to Sheikh Sharif Ahmed Sheikh was incapable of dealing with the underlying causes of the conflict and reflects a perpetual misdiagnosis by the mediation process. Coleman (2006: 550) emphasises the need to locate and comprehend various paths to ripeness in a conflict as it constitutes a valuable attempt to understand the dynamic forces that keep a conflict in a state of "unripeness."

Power-sharing without addressing the root causes does not provide sustainable resolution of the conflict (see Zartman, 2008: 237). In this regard, the Somali mediation negated this fundamental process of conflict analysis during the problem-resolution phase, thus failing to locate the conflict within the broad framework of a militia state

with benefits from the war economy of collapsed states in the hands of those who possessed coercive means.

Sheik Sharif Ahmed Sheik was also elected under the same genealogical political formula (4.5) as the basis of the 'power-sharing' concept agreed upon at Mbagathi. Despite Sheik Sharif Ahmed Sheik's roots in the UIC, Samatar (2011: 173) concludes that he could not contain the Al-Shabaab insurgency as most of Southern Somalia remained under the control of those who rejected the new dispensation.

Sheik Sharif Ahmed was later seen as a moderate by the Addis Ababa-Nairobi-Washington axis and hope was that he could perhaps neutralise and stop the momentum of the insurgency. According to Bruton (2010: 3), the Obama administration had chosen to adopt and expand its predecessor's policy of providing limited, indirect diplomatic and military support to the TFG, in the hope that it would provide a bulwark against the insurgency. To this end, the Secretary of State, Hillary Clinton met with the president of the TFG, Sheik Sharif Ahmed Sheik, and promised continued shipment of ammunition and diplomatic support. The open blessing of the TFG by the US and other Western powers had perversely served to isolate the TFG further from the Somalis and to promote cooperation between previously fractured and quarrelsome groups in the Somali conflict (see Bruton, 2010: 4; Lewis, 2008: 90).

Like his predecessor, Sheik Sharif Ahmed Sheik was an internationally recognised civil militia leader, controlling only a few streets in Mogadishu at the beginning of his TFG administration and later controlling the city with the support of the AMISOM force. The insurgency became more sophisticated in its military attacks against the TFG and AMISOM forces, with some levels of impunity and challenged the conventional wisdom that Somalia was on the road to sustainable peace and security. Elmi (2010: 139) concludes that the US and the international community claim that they understood that the Sheik Sharif Ahmed Sheik's the TFG would seize the opportunity and end the

statelessness in Somalia, the root cause of insecurity. This reflection is based on the perception that absence of a functioning state is the epicentre of the Somali conflict.

The concept of the “Truth and Reconciliation Commission” is a matter that has proven to be daunting in the Somali conflict resolution process. When the TFG appointed Mohammed Ali Mahdi as the chairperson of the commission in 2006, many Somalis lost confidence in the commission mainly due to his involvement in the conflict following the fall of Siad Barre in 1991. However, the fundamental flaws in the Somali Truth and Reconciliation Commission were deeper than Mahdi’s involvement. Unlike South Africa, there was no individual with an untainted track record in Somalia when the commission was established, hence the issue of truth with regard to the commission, created contestations among Somalis, particularly those who feared that the truth might hurt their political ambitions in any future political dispensation. The commission should have focussed on the reconciliation part without venturing into the truth part, however, this was not possible given the interests of human rights activists, who at times ignored the imperatives of resolving the conflict by emphasising the need to punish those who had violated human rights during the conflict.

On 10 September 2012, Hassan Sheikh Mohamud (Abgal) was elected President of Somalia by the legislators. He ran for the presidency on the basis of his newly formed Peace and Development Party (PDP) formed in April 2011 (see Perry, 2013: 14). His election was welcomed by the international community as it presented the best opportunity for Somalia to build a functioning government, although the insurgency continued to launch ferocious attacks against the new government and AMISOM forces. The new president was quick to lobby for the lifting of the arms embargo imposed by the UN Security Council in 1991 following the fall of Siad Barre’s regime and the collapse of the Somali state. To this end, the Security Council adopted resolution 2093 on 6 March 2013, lifting the arms embargo. The Security Council had previously refused to lift the arms embargo on account of limiting the proliferation of arms in Somalia and

the Horn of Africa region. Ironically, the same conditions prevailed at the time of Resolution 2093 adoption in 2013.

The Security Council resolution to lift the arms embargo reflected a move to reinforce the notion that the conflict could be resolved on the battlefield, thus an antithesis of Zartman's (1985) BATNA. The proliferation of arms in a country awash with small arms could prove to be problematic in future, particularly in Somalia, where there is no functioning central government with checks and balances. Regarding the lifting of the arms embargo, the Security Council may also present a security dilemma among the fragmented Somali clans

Developments following the election of Mohamud requires further research to understand whether the Somali conflict has gone into abeyance. There are indications that the conflict might have taken a different trajectory, where the insurgency realised the asymmetric nature of the conflict in favour of the AU mission to Somalia, thus, adopting a different approach. Vinci (2009: 25) argues that asymmetric warfare denotes a mismatch between the capabilities of the belligerents involved, where at least one of the sides changes its tactics or strategies to exploit the asymmetry. Given the relative weaknesses of the current insurgency, the introduction of sophisticated explosives associated with those used in the Iraq and Afghanistan conflict, this might herald in a new era in the Somali conflict. According to Crocker *et al.*, (2009: 492), Coleman (2006: 542), d'Estree (2009: 150) and Dweck and Ehrlinger (2006: 317), even if violence is on the decline, completely intractable conflict may exist in a suspended state of animation and remain unresolved because efforts are aimed at managing the conflict and to restore the *status quo*, which seems to be the case in Somalia.

The above mentioned scholars argue that intractable conflicts generally tend to experience episodic but recurring bouts of violence and appear to be highly resistant to resolution through a process of negotiation or peace-making. The current state of the Somali conflict seems to resemble the observations made by the above scholars. It

would require an in-depth analysis of the current situation to make some informed findings, a separate study on the sustainability of the current state of the situation is recommended as the purpose of this study is different.

5.7 Conclusion

The Somali peace processes have been overshadowed by what has been described as a relentless quest for the creation of a central government on the basis of the current international political system, with no relation to indigenous systems of self-governance. The creation of a central government has failed throughout the peace conferences explored in this chapter, yet diplomats mediating at those peace conferences could not learn lessons from the previous conference as they moved to the next. The mediation and negotiation's organisational structures were unable to conduct a comprehensive diagnosis of the underlying causes of the conflict. Similarly, these peace processes were constructed around the creation of the central government that was top-down in character and failed to acknowledge that Somalia was ruled effectively by clan-based civil militia groups. The creation of the national government should be a process that followed the peace-making process, in this regard, the efforts to create a central government in Somalia had the consequences of further compounding the conflict as was established in this study. The 'state-building' concept to resolve the conflict had not created the desired results in Somalia. However, there were no efforts to resolve the conflict before any form of government could be created. The relentless drive to create a government before the resolution of the conflict can only be attributed to the mediators' parochial national agenda not to have a hostile government in Somalia, often disguised as national security concerns that have to do with the global war on terror agenda.

The threat to use force against groups labelled as "spoilers" by the mediation has created the perception by some parties to the peace process that the mediation lacked neutrality in assisting parties to resolve their conflict. Furthermore, the hasty call to lift

the arms embargo, was perceived by civil militia groups as a ploy to alter the military balance of forces to favour those aligned to the Ethiopian government. Providing arms to parties in the conflict has made it difficult for the creation of a mutually hurting stalemate, it gave false hope that the conflict could still be resolved through the use of military force. In the long run, the temporary lifting of the arms embargo by the Security Council will impact negatively on the peace-making endeavours in Somalia. The country is already awash with small arms and efforts to impose unilateral disarmament of some civil militia groups will further create intractability of the conflict. Furthermore, clan polarisation will become a factor resulting in clan militia groups competing to have access to the available arms and will further compound the security dilemma.

Similarly, the concept of 'power-sharing' is problematic in the Somali situation because the sources of powers were decimated following the collapse of the Somali State in 1991. The only and most important source of power: the monopoly to use violence is controlled by a plethora of warlords, referred to in this study as civil militia leaders. It is the abundance of the use of violence that continues to pose a threat to peace-making in Somalia, not the absence of it. Most importantly, there is a need to address the challenges of the Somali peace-making using other means because the conventional conflict resolution approaches are not geared to deal with the situation of a civil militia state, a new phenomenon in the international state system that has no due regard for the social contract between the state and its population.

The peace processes under review seem to suggest that finding a balance of clan representation in the transitional arrangements will not satisfy the political, economic and social needs of clans in Somalia. The literature on ethnicity (see chapter two) suggests that ethnicity is not the only causative factor in intractable conflicts, structural inequalities and power asymmetry play a major role, particularly in situations of economic degradation and stagnation that results in the differential distribution of

rewards among different groups in the society. The political balance of power among clans is fundamental in an effort to address the clan security dilemma in the context of the historical background of the Somali conflict.

The Mahmud administration imposed on the Somali people cannot survive without AU patronisation and protection, as indicated in this chapter, the current situation requires further research, however. The current military situation reflects what scholars regard as a conflict in abeyance, although with some sporadic and devastating attacks with heavy casualties on both the AMISOM and the civilian population, particularly in Mogadishu. The conflict will escalate and assume some momentum with time if it is not addressed in a sustainable manner. Similarly, the current state does not reflect relative peace as the insurgencies are able to attack their targets with some level of impunity.

Chapter six

Conclusion: Findings and recommendations

6.1 Scope and rationale

The 1990s saw some fundamental changes in the international political system. The Cold War came to an end, and the superpower rivalry was no longer a factor in global conflict resolution approaches. It was during these international changes that the Somali state collapsed and totally disintegrated in 1991. The collapse of Somalia ushered in a new phenomenon of militia groups in international diplomacy, the new generation of militias, who in their desire to accumulate more wealth, have captured what remained of the Somali state and used their stranglehold on Somalia to create a militia state along clan parochial lines. Similarly, the international community made uncoordinated attempts to find a peaceful solution to the civil war ravaging Somalia due to competing interests and regional hegemony by countries of the region. A number of peace processes were initiated, albeit the lack of coordination by all those who were attempting to mediate in the Somali conflict. Despite all these interventions, the civil war has shown resistance to peaceful resolution and coercive resolution. These processes were selected as they constitute major involvement of international mediation in the Somali conflict resolution process. These five peace processes had the common approach of building a central government as a means of transformation of the conflict. International diplomacy was relentless in the persuasion of state building approach in Somalia despite the high failure rate in this regard.

The failure of mediation in the Somali conflict resolution process can be attributed to among others, the failure of mediation to recognise that the conflict has evolved and requires new approaches to resolve it. In this context, it would be imperative to acknowledge that civil militia groups are key role-players in the resolution of the conflict, and efforts should be made accommodate them. The inclusion of these civil

militia groups need to find a balance between the level of greed and wealth accumulation they enjoy due the situation of stateless country with benefits of a war economy that has unlimited enrichment opportunities.

In order to understand the failure of the peace processes under review and the application of the state building approach to conflict resolution in Somalia, the study examined the role of clans from both premordialist and instrumentalist perspectives, the role of religion in the Somali conflict, possible relationships between militia groups and Al-Qaeda, often used by neighbouring countries as an excuse to manage the political balance of power and regional hegemony in the Horn of Africa. Similarly, the international community has taken a view that failed states are a safe haven for international terrorism, a matter that is disputed by some scholars in this study.

6.2 Key findings

In this section, the key findings of this study are discussed.

6.2.1 The emergence of the third generation militia groups, militia controlled territories and governments

The study has expanded the existing theory of civil militia groups and developed a theoretical framework conducive to an analysis of militia groups operating in situations of total state collapse and disintegration as seen in Somalia, referred to in this study as the third generation civil militia groups. Similar civil militia groups are emerging and gaining traction in countries such as Syria, Afghanistan, Libya, Iraq and Yemen where state disintegration is gaining momentum at an alarming pace. As in the case of Somalia, these countries' disintegration that is driven by ethnicity and other forms of intolerance.

Fundamentally, the third generation civil militia theory provided a relevant perspective for an analysis of militia groups in Somalia, whose balkanisation of Somalia into militia control enclaves is effectively a form of government that is viewed within the context of

a *de facto* government. The *de facto* militia governments operated a web of social, political and economic networks in their area of control, which provides the militia enclave with some level of survival in situations of total domestic anarchy, thus making Somalia in this instance, a profitable enterprise for the third generation civil militia groups. Ethnicity has been a powerful tool for these clan- based civil militia groups in Somalia. Clans are a fertile ground for young militia recruits, with the hope of protection against other clan aligned militia groups.

The scholarship on ethnicity reflects different views with regard to the homogeneity of the Somali society, a closer review of the literature suggests that clans are a form of identity in Somalia, by extension, a form of ethnicity. Therefore, the study equates clans to ethnicity in the Somali context. Ethnicity was a major factor when constructing the third generation militia groups theory, because without clan divisions militia leaders would not have recruits to perpetuate the conflict. The centrality of ethnicity in the Somali conflict was also reflected by the clan formulae used during the peace processes discussed in this study, thus, ethnicity was also a major factor with regard to the organisational structures of the peace processes since the collapse and disintegration of the Somali state in 1991.

State failure is a common phenomenon that occurs when weak states fail to address the weaknesses inherent in the state. The collapse of the Somali state in 1991 is one of the issues examined in this study and the conclusion is made that the collapsed Somali state has laid the foundation for the emergence of the militia state in accordance with clan divides and lineage. It is therefore fundamental to view clan differences as instruments for perpetuating the protracted Somali conflict. The top-down state building approach in the Somali conflict resolution process is not founded on the nature of the Somali state collapse and disintegration, in this regard, proponents of the state-building approach have no strategic frameworks for rebuilding instruments of the state such as, the public service, the judiciary and other instruments that are crucial for a functioning and strong

state. Instead, they focussed more on building the cohesive instruments of the state such as the military force and the police.

6.2.2 Understanding the Somalis

Although Somalis are generally Muslims, they are Sunni Muslims and almost belong to the Shafiite School, there is no evidence to suggest that there are Wahhabism and Salaffi Islam sects of among the Somalis, thereby negating the idea that some parties in the disputes are aligned to Al-Qaeda whose foundation is based on Wahhabism. Somali customary law is founded on respect for human life, a value system that goes against what is going on in the Somali protracted conflict. These Somali values for human life are conspicuously absent during the peace processes explored by this study, which explains the exclusion of indigenous methods of conflict resolution in the peace process.

Somalis are part of the Afar and Saho people of the Horn of Africa who transcend the colonial borders of countries of the region. Pan Somali ideology is founded on the basis of the Afar and Saho people who are found in Ethiopia, Djibouti, Kenya and Eritrea. The fact that the Afar and Saho people are found in these countries in the region was used by the General Siad Barre regime as a source of irredentist conflict that eventually led to the Ogaden War between Somalia and Ethiopia from 1977 to 1978. It was the defeat of Somalia at the Ogaden that further exposed the clan animosities created and nurtured by the General Siad Barre military government, which eventually triggered an armed rebellion against the regime. In effect, General Siad Barre was instrumental in the divide and rule strategy of clan politics. He presided over the country during a political period where clan patronage and lineage were used as instruments to hold onto power, even though he professed to be an inclusive leader with the interests at heart of all Somalis beyond the country's borders. The persistence of clan politics and clan interests are against the national interests and perpetuate conflict, which is an antithesis of the state-building approach to the resolution of the Somali conflict. The metamorphosis of the Somali militia state was incubated during the General Siad Barre regime, the

process gained momentum as a result of greed by predatory militia leaders who captured what remained of the Somali state.

6.2.3 Clan problems

Although the sources of the Somali intractable conflict date back to the imperial partitioning of the country in 1897, the current conflict is driven by issues that are mainly intra-Somali and clan differences are used by instrumentalists as a factor in the conflict. The repressive nature of the General Siad Barre regime could not be tolerated by most Somalis across the clan divide, which resulted in the fall of the regime and further compounded the process of state failure, collapse and disintegration of the state. Political changes in Ethiopia in 1974 and the Cold War dynamics became other factors in the Somali conflict politics, the Soviet Union and other East European countries changed their political allegiance in favour of the new government in Ethiopia and provided military equipment to the new government in Addis Ababa, which eventually led to the proliferation of small arms in the Horn of Africa. The military balance of forces swung in favour of the Derg government in Ethiopia.

The overthrow of the General Siad Barre government on January 1991 ushered in the civil war, as well as new players in the civil war, these were militia groups that decimated what remained of the Somali state. The power vacuum left by the defeated General Siad Barre regime became a new source of conflict that led to the pitting of clans against each other. Militia groups were quick to seize the political vacuum to create balkanised militia states with economic benefits for them and their clansmen. These militias are categorised as third generation of militia groups, a new phenomenon in the evolution of militia groups in the global political conflicts since the end of the Cold War. Militia leaders presented themselves as protectors of their clans in the civil war ravaging the country.

Although the UN Security Council has the responsibility for maintaining international peace security, it took the loss of innocent lives for the Security Council to engage in the

Somali conflict. The Security Council made a mistake in its engagement by revoking Chapter VII of the UN Charter, which effectively meant that the Security Council was a party to the conflict. Under these circumstances, the UN could not play its peace-keeping traditional role in Somalia. Similarly, militia leaders came to perceive the UN as an integral part of the Somali conflict, thus rendering the UN's peace-making efforts in Somalia ineffective. The vilification of General Aideed by the UN is indicative of the UN's active participation in the protracted Somali conflict for which the UN mission to Somalia paid dearly with the lives of the US and Pakistani military personnel and this has since created a credibility problem for the UN as an honest peacemaker in the Somali conflict resolution process. The UN will need to rebrand itself if it were to play a significant role in Somalia. However, there are some UN member states (Qatar, South Africa, Oman, Sweden, Norway and Finland) with credibility among Somalis and these countries should be considered in any future UN configuration of the Somali mission.

Like UNOSOM before it, the current AMISOM mission emphasises the military solution of the conflict in Somalia. Consequently, AMISOM will also be drawn into a protracted conflict with no military victors. What at times appears to be a military defeat for the current insurgency led by the Al-Shabaab may be a conflict in abeyance that gives the insurgents the opportunity to readjust to the military asymmetry against the new government installed and protected by the AU and the international community. The insurgency has developed some level of sophistication in the war against the AU military mission in Somalia. The internationally imposed government in Mogadishu is also a militia government at the same time and would not survive without the patronage and protection of the AMISOM. Creating sustainable peace would require the broad participation of the Somalis and this can only be possible once the underlying causes of the conflict have been resolved. Creation of the central government should be the logical outcome of sustainable resolution of the conflict, not a means to resolve the conflict. Similarly, creation of the central government should make a complete break

with the conflict phase of peace making in order to ensure the sustainable resolution of the conflict.

6.2.4 Failure of the peace process

This study's key research question is to explore the reasons for the failure of the peace processes since the collapse of the Somali state in 1991. Chapter 5 then examined the selected peace processes, namely, the Djibouti Peace Conference (1991), the Addis Ababa peace conference (1993), the Cairo peace conference (1997), the Arta peace conference (2000) and the Mbagathi peace conference (2004).

The selected peace conferences have been presided over by the international community as the mediator. Accordingly, the basic ethos of mediation was adhered to when exploring the reasons for the failure for these peace conferences, similarly, the literature of conflict resolution was used when exploring the reasons for the failure of the selected peace processes. The conclusion of the study in this regard is that, although parties to the conflict were invited to participate, there were no efforts to address their undeclared fears such as the loss of their economic interests that appeared to be the main concerns of militia leaders.

The Djibouti peace conference was convened as a result of a major battle in Mogadishu between militia groups loyal to General Aideed and Ali Mahdi. The conference outcomes were more in favour of Ali Mahdi, which General Aideed perceived as an effort to prevent him from the seizure of power by military means. General Aideed had legitimate expectations of seizing power by military means given his military superiority over his rivals throughout the country. The refusal of General Aideed to attend the Djibouti conference created a structural stalemate for the conference. Similarly, the conflict did not create what the literature on conflict resolution regards as a MHS to compel parties to see the best alternative to a violence conflict (see Zartman, 1985). The Djibouti conference did not eventually enjoy domestic credibility within

Somalia given the participation of the General Siad Barre loyalists. The strategic focus of the Djibouti peace process was the creation of a central government.

The UN whose credibility was furnished by taking sides in the Somali conflict was the main sponsor of the Addis Ababa peace process. In this regard, the UN was compelled to rescind an earlier price put on General Aideed's head with the aim of attracting General Aideed to attend the peace conference, the overtures to General Aideed had unintended consequences to insulate civil militia groups in the Somalia peace process. In this context, the militia group of General Aideed was engaged in military battles with those loyal to Abdullahi Yusuf Ahmed with a view to strengthening their position at the Addis Ababa conference. Like the Djibouti process, the Addis Ababa process did not have clear conflict resolution strategies and viewed the creation of a central government as a means to transforming the Somali conflict. Though the Addis Ababa peace agreement was wide enough to accommodate the signatories, it lacked the basis for sustainable resolution of the conflict such as clear protocols for the ceasefire implementation modalities. The collapse of the Addis Ababa agreement can also be attributed to General Aideed's withdrawal that dealt a serious blow to the peace process. Fundamentally, the failure of the Addis Ababa peace conference is its failure to address the root causes of the Somali conflict, which are changing a rather fast pace.

The Cairo peace process was sponsored by Egypt, Libya and Yemen. The conference was convened at a time when militia groups were divided into two factions, the one faction was supported by the conference sponsors while the other faction was supported by Ethiopia. The allegation that Ethiopia destroyed the Cairo process by encouraging its supported militia faction to abort its participation at the conference and created a parallel conference that eventually collapsed due to low credibility problems. Addis Ababa regarded the Cairo conference as a ploy to establish an Islamic state in its area of influence; this fear emerged from the domestic political imperatives, with specific reference to the Ethiopian Moslem population and the longstanding Ogaden

dispute. Abdullahi Yusuf Ahmed who was the leader of the Ethiopian allied militia faction once indicated that the Cairo conference had an agenda to impose an Islamist state concept on Somalia, thus his opposition to the peace conference. The admission was made to the author in 2002 in Eldorret when the Mbagathi peace process was facing a possible collapse as a result of the Mogadishu based militia leaders led by Mohammed Qanyere Afrah. The author was requested by the IGAD secretariat to assist with persuading Qanyere's militia faction not to abandon the peace process. Qanyere had some complaints with respect to how the IGAD mediation team was dealing with his faction, namely, that they were not allowed to return to Mogadishu to consult with their clan constituencies and other stakeholders. The mediation was concerned about the possible breakdown of the process once Mogadishu- based civil militia groups left Eldorret.

Similar to the previous peace processes, the Cairo process also had no strategic focus on the resolution of the conflict in Somalia, despite earlier failures in this regard. The conference mediation process was bound to fail given the poor attendance by the factional militia groups and the lack of focus on resolving the causes of the conflict that kept on changing. Accordingly, the causes of the conflict kept on changing from grazing land to control of the economically viable coastal areas of Somalia. The conference did not take the lessons learnt during the previous peace conferences into account. Like the previous peace conferences, it lacked a sense of continuity.

The Arta Peace Conference was held against the background of successive mediation failures in the resolution of the Somali conflict. The convenor of the Arta process was the President of Djibouti, Ismail Omar Guelle, the convenor of the 1991 Djibouti peace process. The mediation of Djibouti in the Somali conflict is an issue which keeps on creating a challenge among a segment of the Somalis who regard Djibouti as part of the Greater Somali Republic. The Arta peace process was endorsed by the US, Egypt and Libya. Although IGAD supported the conference, it was not unanimous in its support

of the Arta process. Ethiopia was not in support of the conference and raised concerns about the involvement of the Habr Gidir clansmen perceived to be close to the emerging Islamic Court movement in Mogadishu.

Participants of the Arta process were arbitrarily selected by the conference convenor, President Guelle. President Guelle's role as a mediator was compromised by the extraordinary role he played in the appointment and selection of delegates to the conference. The other group of delegates to the conference were self - appointed through they claimed to represent their clans. Significantly, there was no credible process to test the credibility of delegates to the peace conference. Similarly the participation of the former General Siad Barre Ministers at the conference was another factor that created credibility problems for the conference. The conference lacked broad representation of other clans and was dominated by the Habr Gidir clans of the Hawiye.

The Arta process outcome was the creation of the TNG as a central government. The Arta process was the first peace process to introduce a clan based representation in the transitional government. The mediator in the Arta process exceeded his role by appointing 20 (twenty) clan representatives without clear and transparent criteria for the process. The conference elected the Abdulqasim Salat Hassan as the President of the TNG despite the fact that he was a Minister in the deposed Siad Barre regime. There is evidence that 60% of members of the TNA came from General Siad Barre's former members of parliament. This came as no surprise as the balance of forces was tipped in favour of former Siad Barre government officials.

The TNG did not enjoy the support of major militia leaders who were in control of large parts of Somalia , these militia leaders included Mohammed Qanyere, a dominant militia leader in Mogadishu, Musa Sudi also a militia leader in Mogadishu, Ali Osman Atto, Hussein Aideed, Mohammed and Dhere. The militia leaders were defector governors of large part of Mogadishu. Similarly, Abdullahi Yusuf Ahmed who was in

control of the north eastern part of Somalia (Puntland) distanced himself from the Arta process while in the north, Somaliland had unilaterally declared independence from Somalia. The TNG was limited to control of a few streets in Mogadishu, which effectively reduced the TNG to an insignificant militia group in contestation for control of the capital city.

The relationship between Shaik Dahir Aweys and Adbdulqasim Salat Hassan was one of convenience, they needed each other to institute some form of law and order in their areas of control. The inclusion of the Islamic courts in the TNG further undermined it in the Horn of Africa region, particularly in Ethiopia, which never supported the Arta process from its inception. The Ethiopian protest about the Arta process was rejected when the SRRC formed a coalition of militia leaders with whom the author interacted when they threatened to withdraw from the Mbagathi process in the Eldorret town of Kenya. The Arta process's focus was the creation of a central government in Somalia. It should be noted that the Arta process did not make an attempt to reflect on the failures of previous peace processes.

There are allegations that the mediator, President Guelle and some of his ministers had vested economic interests in Somalia that they were protecting during the Arta process. It should be noted that at the time of the Arta process, the Somali formal economy was decimated, and the informal economy was the main economic activity in the country controlled by militia leaders. These circumstances of total state collapse and disintegration made the allegations against President Guelle plausible and the benefits of dealing with the war economy were therefore undeniably attractive. When the author visited Mogadishu in 2006, he was able to observe state of the city economy under control of militia leaders. The author was taken to some businesses such as the Coca-Cola production plant, the currency exchange market, a mobile phone networks station and the *qat* market. Militia leaders were clearly concerned about the possibility

of losing these economic benefits due to the successful implementation if the peace process.

The Arta process was projected as a 'power-sharing' concept; although, there was no state power to be shared as the main instrument of state power such as the monopoly to use violence was in the hands of various militia groups. Similarly, the TNG did not have the capacity to provide collective goods as the economy of the country was under control of the militia leaders. Similarly, the TNG also fit the definition of the third generation militia groups. The TNG was also a militia group focussed on the economic protection of the Habr Gidir Clan, a dominant clan in the TNG. There was equally no evidence that the TNG had any intention to create basic government infrastructure such as the civil service, the police force and other institutions of the state. The TNG was mainly focussed on the creation of security in its areas of control within Mogadishu. At that time, most parts of Mogadishu were under the control of civil militia leaders who had balkanised the city into militia enclaves for the purpose of plundering what had remained of Mogadishu.

The Mbagathi peace process was convened under pressure exerted by the global political changes following 9/11 events. The IGAD member states were also concerned about the impact of the Arta process failure on the regional security implications. The Bush administration perceived Somalia to be a safe haven for international terror groups following the events of 9/11, although there was no evidence in this regard. The concern of the protracted Somali conflict and the absence of a central government gave impetus to the 'state-building' concept of resolving the Somali conflict. The state-building approach has been dominant throughout the peace conferences explored in the chapter. The Mbagathi process was first initiated in 2002 in the northern town of Eldorret in Kenya and it took three years to finally conclude the negotiation process mediated by the IGAD member state. Kenya and Ethiopia played a dominant mediation role in these negotiations.

There is no evidence that the Mbagathi mediation process undertook a review of failures of the Arta process to learn lessons from this process. However, the Mbagathi process was constructed on the clan formula representation that was first introduced as the Arta process. The four and half formula of the clan representation in the negotiation and outcome of the process was not informed by any rational thinking process, on the contrary, it was arbitrary, although it was accepted by major clans such as the Hawiye and the Darod clans as reflected in Chapter 5 of this study. The militia leaders presented themselves as protectors of their respective clans at the peace conference and they were the winners as they were rewarded with nominal cabinet posts after the process outcomes. Furthermore, the militia leaders succeeded in using clans as instruments to give themselves positions that could make them retain proximate control of the wealth accumulation and continued to plunder what remained of the Somalia state.

The outcomes of the Mbagathi process were projected as a power-sharing clan formula by the mediation team. However, it is evident that it was the sharing of nominal posts by civil militia leaders. In spite of the fact that the Mbagathi process created a platform for militia negotiations, the mediation team failed to create a clear framework to deal with both the declared and undeclared causes of the Somali conflict on the agenda of the peace process. The mediation team should have seized the opportunity to place the negotiation issues such as wealth sharing, particularly marine resources and grazing fields on the agenda as these were the major issues confronting the Somalis. Furthermore, the mediation process should also have used the strategy to incentivise militia leaders by placing access to the economic areas under their control on the agenda of the Mbagathi peace process.

The Mbagathi process produced the TFG in 2003 with Abdullahi Yusuf Ahmed as its president. Other militia leaders were appointed to nominal ministerial positions in the TFG using the clan formula discussed in Chapter 5 of this study. The TFG was fragmented before it was established. It was fragmented between the pro-Ethiopia

faction led by Abdullahi Yusuf Ahmed and the anti-Ethiopia faction led by the Mogadishu based militia leader, Mohammed Qanyere Afrah. The militia fragmentation reflected clan differences which were used as the instruments of accumulation. The implementation of the Mbagathi process was more difficult than anticipated by the mediation team and the international community that supported the process outcome of the Mbagathi conference. Given the challenges related to the implementation of the TFG, the UN Secretary General appointed Ambassador Far to Somalia as his special representation, with the purpose of supporting the implementation of the Mbagathi peace process. The author had meetings with Ambassador Far to understand the UN's areas of focus in the implementation of the Mbagathi process. The UN and the president of the TFG were focussed on the total disarmament of the Mogadishu civil militia groups, even though there was no commitment from the Mogadishu civil militia groups in this regard, the disarmament approach was unilateral and bound to fail because it was perceived to alter the military balance of the forces against them.

The president of the TFG realised that unilateral disarmament of his rivals in Mogadishu would not succeed, thus, he requested South Africa to assist with the mediation with the Mogadishu based civil militia faction of the TFG discussed in Chapter 5 of this study. The two factions had different views on the issues affecting the implementation of the Mbagathi process. The Abdullahi Yusuf Ahmed faction was only concerned with the disarmament of the Mogadishu based militia faction of the TFG, while the faction of Qanyere was mainly preoccupied with the relocation of the TFG to Mogadishu, one of provisions of the TFI. The differences with factions of the TFG were further compounded by the desire of the TFG's president to request IGAD member states to send a peace keeping force to Somalia. It was also in this regard that the IGAD requested the South African government to contribute troops for the envisaged peace keeping or peace enforcement force mission to Somalia. The general perception within the IGAD member states was geared towards peace enforcement (Chapter VII of the UN Charter).

The relationship between the two factions of the TFG further deteriorated when the TFG president requested Ethiopia to send troops to disarm the Mogadishu civil militia leaders. Ethiopia was not an acceptable player in the peace keeping force for Somalia, mainly by the Mogadishu militia faction of the TFG (see Chapter 5). While the two factions of the TFG were arguing, the UIC was consolidating itself in Mogadishu and eventually challenged the military domination militia leaders in Mogadishu. The UIC defeated the Mogadishu faction of the TFG in a ferocious battle that took a few more weeks than was initially thought. The UIC was the first single entity to control Mogadishu since the collapse of the Somali State in 1991. There is a general view among scholars of the Somali conflict that the UIC's control of Mogadishu presented an opportunity to transform the conflict in Somalia given the importance of Mogadishu in the Somali conflict.

The UIC received the support of the people of Mogadishu in its war against the Mogadishu militia leaders, because the UIC presented the best alternative to the militia rule. The UIC was predominantly supported by the Habr Gidir clan of the Hawiye. It included characters such as Shaik Hassan Dahir Aweys in its ranks, whose involvement in the UIC led to the branding of the UIC as Al-Qaeda alienated terror group, which led to the invitation of Somalia by Ethiopia and the defeat of the UIC. There is evidence that during the UIC's control of Mogadishu there was some law and order that could have been used to transform the conflict in Somalia. There are also suggestions that the UIC was able to bring piracy to an end, particularly in areas that have seen an upsurge in piracy. The question of piracy in Somalia requires a detailed research as a focus area, thus, this study does not attempt to deal with this matter.

The Ethiopian occupation force generated resentment in the Somalis. The formation of the Al-Shabaab resistance movement can be attributed to the invitation and occupation of Somalia by Ethiopia, a country regarded as the cause of the Somali civil war by most Somalis. The US was equally of the opinion that the new resistance movement was

inspired by Al-Qaeda as reflected in this study, thus the air-strikes that killed Adam Hashin Ayro, the military commander of Al-Shabaab in April 2008. The Ethiopian military invasion of Somalia meant the end of the Mbagathi process. Notably, the Mbagathi peace process made similar mistakes as those made at the previous peace conferences (see chapter 5 in this regard).

The current AMISOM-supported government of Hassan Sheikh Mohamud (Abgal) is indicative of the TFG collapse, although proponents of the TFG argue that the new government is a logical continuation of the Mbagathi process. The current government, like the previous transitional governments, was imposed on the people of Somalia by the international community, which sees the Somali protracted conflict as a geostrategic security threat to international peace and security. The resistance movement led by the Al-Shabaab has become sophisticated in its operation against the Mohamud government, similarly, there is a scope for further research in the post Mbagathi peace process. The research could also investigate the current government within the framework of intractable conflicts that tend to go into abeyance, giving the false impression that the conflict is resolved. Fundamentally, managing a conflict in a militia state is much more difficult because new cultures and consumption patterns of greed are much more entrenched in the society.

6.3 The importance of the study and the significance of its application

The contribution and significance of this study is located in three areas. The first area (periphery) relates to the nature of the Somali conflict and the failure, collapse and disintegration of the Somali state. It is the first kind of state failure in the contemporary state system. This study investigates the context in which the Somali state failure, collapse and disintegration took place. The study identifies ethnicity, religion and injustice as some of the main issues which played a significant role in the processes leading to the failure of the Somali state since 1991.

The main (core) contribution of the study is located in the field of militia theory. The study used the existing literature on militia groups to define the third generation militia group theory in the analysis of militia groups found in Somalia. The new generation of militia groups found in Somalia operate outside the accepted theoretical framework which sees militia group as performing some functions which the state cannot perform. The new generation of militia groups defined in this study operates in situations where there are no state instruments and functions. The application of the third generation civil militia theory may be useful in the analysis of conflict areas such as Libya, South Sudan, Syria and Iraq where state failure seem to follow the same trend as in Somalia.

The other (peripheral) contribution lies in the area of peaceful resolution of intractable conflicts. The approach of this study was to review the selected peace process using the emergence of the new generation of militia groups to test the validity of the new theoretical concept of 'third generation.' Similarly, the study used the five peace processes to test the application of state building as a valid approach in the resolution of the Somali conflict.

The fundamental application of the study is in the areas of intra-state conflict resolution and the field of conflict resolution in general. The study also makes a contribution to the application of mediation and negotiation, particularly in situations where ethnicity is used as an instrument of conflict at the hands of disputants.

The creation of the central government as a means of transforming the Somali conflict has become an intractability even though all the sources of state power have been decimated since the disintegration of the state in 1991. The absence of basic state institutions has rendered the concepts of 'power-sharing' and 'the government of national unity' obsolete. Compounding the 'power-sharing' concept is the clan security dilemma which has become exacerbated since the disintegration of the Somali state. Given the current clan animosities and divisions of the country in terms of clan-based civil militia groups, it may be prudent for the international community to consider the

negotiated creation of a trusteeship council for Somalia. The trusteeship should be under the patronage of the UN and should include the AU. Members of the trusteeship council should exclude countries that have previously participated in the Somali conflict resolution process, the IGAD member states should also be excluded from the trusteeship council to avoid polarisation of issues and mistrust by the disputants. The first agenda on the negotiation table should be unconditional pacification of the country and a commitment by all civil militia leaders to adhere to a timetable of disarmament and integration of militia groups into civilian life. Where possible, the demobilised militias should form the backbone of the reconstruction workforce in order to provide them with alternative means of survival, in contrast to what they have been doing over the years.

The trusteeship should ideally have a non-renewable timeframe of ten or fifteen years, and it should have a mandate to build institutions of the state only, starting with soft institutions such as health, education, infrastructure rehabilitation and other human security related institutions. Starting with soft issues would be fundamental to earning the trust of the Somalis. Cohesive instruments of the state such as the army and the police should only be created towards the end of the trusteeship's mandate and by then, the security situation in the country should have improved. Returning Somalia to some form of a functioning state would perhaps make it attractive for civil militia groups to abandon their destructive behaviour and become part of the new country. Civil militia groups currently do not have an interest in becoming part of any government given the power they wield in a situation where there is no central government. Similarly, the trusteeship should endeavour to make the state attractive to both clan elders and political formations.

The route of trusteeship is without challenges, there may be suspicions in Somalia by some civil militia groups that the idea of a trusteeship council is intended to colonise the country, particularly by militia groups who continue to benefit from the conflict

economy in Somalia, thus configuration of the trusteeship should seek to address such perceptions. Culture and religious matters should not be underestimated when establishing such a trusteeship council. The international community has had the propensity to ignore cultural matters when dealing with conflict areas, particularly the UN. The UN is currently mistrusted by some Somalis given the role it played during the early years of the Somali state collapse, hence, a careful selection of the members of the trusteeship council by the UN.

6.4 Areas for further research

Admittedly, this study was unable to explore each of the fifteen peace conferences undertaken since the collapse of the Somali State in 1991. Moreover, only those peace processes considered to be crucial for this study, as well as instances of international mediation were subjected to review. There is a potential for a detailed investigation of peace processes initiated and driven by the Somalis, similar to that of the Boroma conference in Somaliland.

As stated earlier, this study is the first to use third generation civil militia theory; however, the theory will need further refining and to be tested against countries such as Libya, Syria, Iraq and CAR. The theory can be tested further and refined with regard to any country that has experienced state failure, state collapse and state disintegration. Changes in the international political system should be taken into account when investigating the application of the third generation civil militia theory.

As also stated previously, there is a need for further investigation of the role of the AU mission to Somalia and its impact on the Somali conflict resolution process. The long-term impact of the mission and the credibility of the AU as a continental body for African integration should also form part of such a possible investigation.

A further area of interest could entail an examination of the piracy phenomenon, also perceived as a source of funding of the conflict in Somalia.

Furthermore, research and analysis of the Al-Shabaab and its links with Al-Qaeda may provide clarity on the vilification issues of the insurgency as part of the international terror network as alleged by Washington and the countries of the Horn of Africa, particularly Kenya, Ethiopia and Uganda. These are also countries that are directly involved in the current conflict in Somalia.

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