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SOMALIA:

A SITUATION ANALYSIS AND TREND ASSESSMENT

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**commissioned by United Nations High Commissioner for Refugees,
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List of Acronyms

AIAI	Al-Ittihad al-Islamiyya
AU	African Union
CAP	United Nations Consolidated Inter-Agency Appeal
CARE	Cooperative for Assistance and Relief Everywhere
ECHO	European Commission Humanitarian Office
EU	European Union
G-8	Group of Eight
ICRC	International Committee of the Red Cross
IGAD	Inter-Governmental Authority on Development
IGO	Inter-Governmental Organization
ILO	International Labour Organization
JVA	Jubba Valley Authority
NGO	Non-Governmental Organization
NEC	National Electoral Commission
RRA	Rahanweyn Resistance Army
SACB	Somalia Aid Coordination Body
SNM	Somali National Movement
SRRC	Somali Reconciliation and Restoration Council
TNG	Transitional National Government
UCID	Ururka Caddaalada Iyo Daryeelka – Justice and Restoration Movement
UDUB	Ururka Dimuqraadiga Ummadda Bahawday – Democratic United Peoples’ Movement
UN	United Nations
UNCAS	United Nations Consolidated Air Service
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNITAF	United Nations Task Force on Somalia
UNOSOM	United Nations Operation in Somalia
UNSECOORD	UN Security Coordinator
US	United States
USC	United Somali Congress

Executive Summary

Somalia has witnessed significant changes since 1995 in its politics and economy. Though it remains a collapsed state, it is a very different setting today than it was eight years ago. Armed conflict is more localized and less destructive; modest levels of rule of law are being reasserted by clan elders and *sharia* courts; the power of militia leaders has been eroded by the rising influence of businessmen; and commercial and service sectors of the economy have rapidly expanded. Many of these trends are a reflection of shifting interests on the part of some of the country's elites, who once profited from a wartime economy but who now seek a stable and secure environment.

Despite these changes, south-central Somalia remains a dangerous, unstable, and non-permissive environment for international aid agencies. Pockets of security and stability exist in the south, but are prone to sudden setbacks due to armed clashes or threats against aid agencies. As of mid-2003, aid agencies can safely and constructively operate in only a handful of limited areas of south Somalia. Major flashpoints of conflict include Middle Shabelle region, south Mudug region, North Mogadishu, Medina district in Mogadishu, Lower Shabelle, Bay region, Gedo region, Buuale (Middle Jubba), and Kismayo.

By contrast, the northern zones of Somalia – Somaliland and Puntland – are on a fundamentally different political trajectory, enjoying much higher levels of stability and administration. Secessionist Somaliland has successfully managed several challenges in the past two years, including a constitutional succession upon the death of the President, and closely contested municipal and presidential elections. How the Rayale administration handles the upcoming parliamentary elections will be crucial to the future direction of Somaliland. The current economic crisis in Somaliland is adding to political pressures there and is a serious matter. Puntland has emerged from a two year political crisis and now appears to be consolidating its peace, aided by the economic boom which is fuelled by record commercial traffic through its seaport at Bosaso.

Humanitarian crises continue to plague Somalia, especially in the south, but have been less catastrophic in scope than was the case in the early 1990s. Droughts and floods have led to food shortages and minor levels of displacement since 1997, but reduced levels of warfare and predatory looting have prevented these natural disasters from becoming widespread famines. Few Somali refugees have crossed borders since 1998; the trend has been for gradual repatriation, especially into Somaliland from Ethiopian camps. Humanitarian emergencies in the coming three to five years in Somalia are likely to remain relatively localized, and will produce at most modest levels of displacement. The largest concentration of Somali refugees, in Kenya, are mainly from south-central Somalia. Given prevailing insecurity there, it is unlikely that the Somali refugees in Kenya will seek repatriation in large numbers.

Several groups inside Somalia are especially vulnerable in the event of political crisis, economic downturn, or natural disaster. Chief among these are the 300,000 internally displaced persons, concentrated in Mogadishu, Kismayo, and Bosaso, as well as the large population of returnees in Hargeisa.

The current peace talks at Mbagathi, Kenya, are unlikely to change the security situation in Mogadishu and south Somalia in the near term. Even if a transitional government is formed, it will probably not be able to assume a presence in Mogadishu, and will have to declare a

provisional capital elsewhere. A likely result of the peace talks is a split between an Mbagathi government, led by Abdullahi Yusuf and supported by Ethiopia, and rejectionists, organized around the current Transitional National Administration of Abdiqassim Salad and supported by Arab states.

Heavy and widespread armed conflict is unlikely in Somalia in the near term; instead, the most likely scenario is for continued localized clashes. The revival of a functional national government is also unlikely; instead, local and regional polities, and a resurgence of local *sharia* courts, will probably remain the sole source of governance and rule of law. Nonetheless, aid agencies need to be prepared for a variety of post-Mbagathi contingencies, including a worst-case scenario (combined heavy fighting and natural disaster, producing widespread displacement) and a best-case scenario (reconciliation and reopening of Mogadishu to all Somalis, which will precipitate a large movement of Somalis back to the capital and require substantial rehabilitation assistance, and which will necessitate relocation of Nairobi offices to Mogadishu).

Somalia's chronically unstable and unpredictable local conditions demand maximum flexibility in programming on the part of aid agencies. The international aid community must also work to ensure that non-emergency assistance does not become too concentrated in the more permissive environments of Puntland and Somaliland. New strategies to better assist IDPs throughout the country are urgently needed, and more sustained assistance to returnees is essential if they are to be successfully reintegrated into local economies. Given the real possibility that no functional central government will emerge from peace talks in the short term, aid agencies will continue to face the challenges of managing relations with a host of non-state actors. Tracking and understanding the changing interests of those actors is essential if agencies are to maximize success in a high-risk setting.

1 Introduction

Twelve years after the fall of the government of Siyad Barre in January 1991, Somalia remains without a functioning, recognized central government. No other country in the contemporary era has endured such a prolonged period of complete state collapse. The crisis of the state in Somalia has been accompanied by warfare and armed criminality, which in turn have spawned multiple, chronic humanitarian emergencies. The country consistently ranks among the poorest in the world on key indicators of human development such as life expectancy, per capita income, malnutrition, and infant mortality, making much of the population highly vulnerable.¹ Somalia today has earned a dubious place alongside states such as Congo and Liberia as one of the most intractable “complex political emergencies” in the post-Cold War era.

Somalia is also unique for having attracted and then driven away one of the largest UN humanitarian interventions in history. The UN Operation in Somalia (UNOSOM) of 1993-1995 became embroiled in an armed conflict with one of the principal Mogadishu warlords, a debacle which left a strong distaste in the international community for subsequent involvement in Somalia. The result is that since 1995 Somalia has been able to attract only modest external assistance and sporadic diplomatic attention, despite the many challenges it faces.

Much of what the international community knows about Somalia consists of increasingly out-of-date stereotypes derived from the anarchy of the early 1990s. Since 1995, Somalia has witnessed important changes in its politics, armed conflicts, local governance, economic activities, social institutions, and household coping mechanisms. Though it remains a dangerous, difficult, and generally non-permissive environment for international aid agencies, the country is dramatically different from the years of its worst warfare and famine. Its political landscape features new local actors and interests, and its economy has generated dynamic new sectors and innovative livelihood strategies which were non-existent a decade ago. Understanding these changes is essential if aid agencies are successfully to anticipate rehabilitation opportunities and work effectively with, rather than against, the prevailing political and economic currents in Somali society. This paper describes and assesses the most significant trends and changes in Somalia in recent years and provides a current situation analysis of the country as of mid-2003.

2 Background: Trends Since 1995

2.1 Causes of the Somali Crisis

Numerous underlying and precipitating factors have contributed to Somalia’s protracted collapse and humanitarian crises. The legacy of these forces continues to influence political and economic dynamics in the country today. Among the most important are the following:

Underdevelopment. Even before the civil war, Somalia was one of the poorest countries in the world. The bulk of the population worked in a subsistence economy either as pastoralists

¹ United Nations Development Programme, *Human Development Report 2003*, New York: Oxford University Press, 2003, p. 339; United Nations Development Programme, *Somalia Human Development Report 2001*, Nairobi, 2001, p. 37

(60% of the pre-war population) or farmers (17%).² In pre-war studies, Somalia's GNP per capita was calculated at only US\$170, the fifth lowest in the world, and its life expectancy was 47 years.³ Significantly, food aid to the country increased at a rate of 9.7 per cent annually over the course of the 1970s and 1980s.⁴ Though some analysts astutely observed that Somalia's "hidden economy" of remittances and other income sources painted a less bleak picture, the country's economy was still undeniably underdeveloped.⁵ Worse, the climate of the Horn of Africa makes it exceptionally susceptible to weather extremes such as severe droughts and floods. Thus the high level of vulnerability to food insecurity and humanitarian crisis in Somalia is not new. Though Somali rural dwellers possess an impressive range of coping and survival mechanisms, they are unusually prone to humanitarian emergencies.

Clannism. Somalia is a lineage-based society, in which virtually all members of society enjoy membership in a patrimonial clan-family. Each clan-family is in turn subdivided by clan, sub-clan, and sub-sub-clan, all on the basis of a Somali's extended family tree. Depending on circumstances, different levels of lineage identity can be mobilized politically, making Somali clannism very fluid and unstable in nature. A clan may be cohesive against an external threat one month, only to fall prey to internal disputes the next month. Clannism has a range of virtues – it provides its members physical security, a social welfare safety net, and a rich body of customary law (*xeer*) designed to minimize and manage conflict. Blood payment (*diya*) groups, which serve to deter crime and prevent cycles of retaliatory violence, are also lineage-based. But clan can also be a force for division and fragmentation, especially when manipulated for political purposes. The government of Siyad Barre (1969-1990) exploited clan identity in a campaign of divide-and-rule. That regime is widely blamed for the rise of the destructive clannism which has afflicted Somalia since 1990 and which has made reconciliation and cooperation much more difficult to achieve.⁶

Corrupt, Repressive State. Under Barre, the central state in Somalia was notoriously corrupt, authoritarian, and patronage-based. It was also well-funded, thanks to the country's strategic significance in the Cold War, enabling Somalia to attract one of the world's highest levels of foreign aid per capita. By the 1980s over 50 per cent of the national GNP was foreign assistance, allowing the Barre regime to build up a bloated civil service and military.⁷ Political energies were almost entirely devoted to securing one's "piece of the national cake" within the government. Moreover, external military support from the East Bloc (1970-1978) and then the West (1980-1989) enabled a coalition of clans in power to engage in highly authoritarian practices. For Somalis, the only central state they knew was an instrument of repression, expropriation and ethnic hegemony. Anger at the state fuelled the popular uprisings which brought down the Barre regime. It has also left a legacy of fear and distrust towards efforts to revive a central government. The history of the state as cash cow has

² United Nations Development Programme, *Somalia Human Development Report 2001*, p. 57

³ World Bank, *World Development Report 1990: Poverty*, New York: Oxford University Press, 1990, p. 170

⁴ Rawson, D., *The Somali State and Foreign Aid*, Washington DC: Foreign Service Institute, 1993, p. 37

⁵ Jamal, V., Somalia: Survival in a 'Doomed' Economy, *International Labour Review*, Vol. 127, No. 6, 1988, pp. 783-812

⁶ Lyons, T. and Samatar, A. I., *Somalia: State Collapse, Multilateral Intervention, and Strategies of Political Reconstruction*, Washington DC, Brookings Institution, 1995, pp. 17-24

⁷ Menkhaus, K., US Foreign Assistance to Somalia: Phoenix from the Ashes? *Middle East Policy*, Vol. 5, No. 1, January 1997, pp. 124-49

contributed to a tendency on the part of the Somali political class to view positions in the state as a prize to be won, not as an administrative responsibility to be assumed.

End of the Cold War. The end of the Cold War dramatically reduced Somalia's strategic importance and made it possible for Western donors to place political conditions on foreign aid. The Barre regime's very poor human rights record, including its genocidal response to an uprising in the northwest of the country in 1988-1990, led to a freezing of almost all foreign aid by 1989. Without that aid, the Somali state was a castle built on sand, and within a year the government lost control of most of the countryside, before collapsing entirely in January 1991. The sudden loss of external support is probably the single most important precipitating cause of the collapse of the Somali state, and serves as a cautionary note for current efforts to revive a sustainable central government. Somalia's tax base can only support a minimalist state structure, and external sources of funding for a revived state will remain modest. To the extent that this reduces the ability of leaders to use state resources to seal alliances via time-honoured patronage politics, this increases the difficulty of re-establishing a government.

Missed Diplomatic Opportunities. Though Somalia was headed toward an inevitable crisis in 1988-1990, the complete collapse of the state and the country's subsequent descent into heavily armed anarchy could have been avoided had there been sustained and effective external diplomatic engagement in the crisis. But there was no such effort; the world was preoccupied with dramatic events surrounding the end of the Cold War and the Gulf War, and Somalia was simply left to its own fate. Years of frustration with the corrupt Barre regime contributed to a sense of "donor fatigue" with Somalia, which made disengagement an attractive option.⁸ That same sense of external fatigue with Somalia would resurface following the unsuccessful UN operation in 1993-1995.

2.2 War and Famine of 1990-1992

The beginning of Somalia's collapse can be traced to an offensive launched by the Somali National Movement (SNM) in the northwest of the country in May 1988. The regime's brutal response against the Isaaq clan in the northwest – a genocidal campaign which drove a half million refugees into Ethiopia – led both to the freezing of aid by western donors and to the rise of numerous other clan-based liberation fronts. When one of those movements, the United Somali Congress (USC), pushed the regime out of Mogadishu in January 1991, the legacy of deep clan divisions and myopic political leadership among the country's multiple armed factions stymied efforts to create a government of national unity. Instead, the country fell into heavily-armed chaos. Swarms of uncontrolled gunmen and residents looted everything of value in government buildings and in Mogadishu's residential neighbourhoods. Inter-clan violence led to massacres, ethnic cleansing, and a massive exodus of displaced persons in all directions. Hundreds of thousands of Somali refugees crossed the Kenyan and Ethiopian borders. In the south, armed battles pitting factions of the Darood and Hawiye clan-families swept across the countryside. In the midst of the fighting, agricultural communities in Bay region, the Lower Shabelle, and the Jubba valley areas were repeatedly looted and attacked by all sides. The area between Mogadishu and the Kenyan border became a "shatter zone" within which residents were exposed to repeated rounds of looting until they began to starve. Mogadishu itself became the epicentre of very destructive shelling and warfare

⁸ Menkhaus, K. and Ortmyer, L., Somalia: Misread Crises and Missed Opportunities, in B. Jentleson (ed.), *Preventive Diplomacy in the Post-Cold War World: Opportunities Missed, Opportunities Seized, and Lessons to be Learned*, New York: Carnegie Endowment, 1999, pp. 211-37; Sahnoun, M., *Somalia: The Missed Opportunities*, Washington DC: US Institute of Peace Press, 1994

between the rival USC militias of General Mohamed Farah Aideed and Ali Madhi, reducing much of the city centre to rubble. The massive famine which occurred from late 1991 through 1992, and which ultimately claimed an estimated 240,000 Somali lives, was thus almost entirely due to armed conflict and wartime plundering.⁹ Tragically, the populations which suffered the brunt of the famine bore the least responsibility for the crisis which provoked it.

One of the hallmark features of the crisis of 1991-1992 was the rise of an economy of plunder, in which a wide range of social groups – from illiterate gunmen who fought to loot, to merchants of war who made millions of dollars exporting scrap metal from dismantled factories – came to have a vested economic interest in continued lawlessness and armed conflict. International relief supplies became part of this economy, as warlords fought to control key ports of entry and transit of the valuable food shipments brought into the country. Militias charged exorbitant fees to “guard” the food aid, and were complicit in diversion of relief supplies. By 1992, the food aid had become the principal commodity over which warlords fought. Emergency relief became part of the problem rather than part of the solution.¹⁰

Another important aspect of the civil war of 1991-1992 was the almost complete breakdown of authority at all levels. Militias were under only the loosest control of militia commanders, and fought mainly in order to loot. Clan elders lost control of young teen-age gunmen. Both clan customary law (*xeer*) and Islamic law were rendered largely irrelevant as constraints on lawless behaviour. The result was an epidemic of massacres, rape, and other previously taboo brutalities.

Finally, the period of civil war in 1991-1992 marked the beginning of a trend which saw the northern and southern regions of the country take increasingly divergent paths. While southern Somalia – from Beled Weyn and the Shabelle river valley south to the Kenyan border – plunged into the worst forms of warlordism and anarchy, the north of the country stayed generally free of armed conflict and lawlessness. In the northwest, Somaliland dissolved its 1960 union with the rest of Somalia and seceded in May 1991, and then set about the task of reintegrating refugees, rebuilding damaged cities, and establishing a national government.¹¹ Though it suffered two brief but serious episodes of armed conflict in 1994 and 1996, Somaliland was far more peaceful and respectful of the rule of law than the south, and its economy far more prosperous, thanks to booming trade through the all-weather seaport of Berbera. Economic and political progress was more gradual in the northeast, but the Puntland community managed to maintain a state of peace and basic rule of law throughout the 1990s. Over time, these two northern regions of Somalia came to have less and less in common with their troubled neighbours in the south.

⁹ Refugee Policy Group, *Hope Restored? Humanitarian Aid in Somalia 1990-1994*, Washington DC, November 1994, p. 5

¹⁰ *Idem.*, p. 26; Prendergast, J., *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*, London: Pluto Press, 1997, p. 4; Nastios, A., Humanitarian Relief Intervention in Somalia: The Economics of Chaos, in Clarke, W, and Herbst, G. (eds.), *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*, Boulder: Westview Press, 1997, pp. 82-3

¹¹ International Crisis Group, *Somaliland: Democratisation and its Discontents*, Nairobi; Brussels: 28 July 2003, p. 6; Bradbury, M., *Somaliland: Country Report*, London: Catholic Institute for International Relations, 1997

2.3 The UNOSOM Intervention 1993-1995

In December 1992, a US-led, UN-sanctioned peacekeeping force intervened to halt the fighting and provide security for emergency relief to famine victims in southern Somalia. The surprise decision to intervene in Somalia was proposed by the Bush administration, and appears to have been driven by a desire on the part of that administration to build up the UN's capacity to manage the growing number of complex emergencies in the aftermath of the Cold War.¹² The initial UNITAF (United Nations Task Force on Somalia) intervention, composed of nearly 30,000 peacekeeping troops, succeeded in quickly bringing an end to the famine. That mission was followed in May 1993 by UNOSOM (United Nations Operation in Somalia), a UN-led peacekeeping mission which was given a much broader and more difficult Security Council mandate to promote reconciliation and the rebuilding of a central government – with a much weaker contingent of peacekeeping forces.¹³

UNOSOM's nation-building mandate quickly put it at odds with several of the country's warlords, who controlled territory by force of arms, not by popular referendum. They viewed UN efforts to build locally-selected district councils as a direct threat to their power. General Aideed was especially distrustful of the UN and the intervention. On 5 June 1993, rising tensions and a UN misjudgment culminated in an ambush by Aideed's militia on UN peacekeepers in Mogadishu, an incident which left 24 Pakistani soldiers dead and over 60 injured. Thereafter, the UN was at war with General Aideed and his militia; most of the UN armed response aimed either at capturing Aideed or destroying his militia was conducted by US Special Forces. Those efforts failed to capture or kill Aideed, and instead drew the UN into an unwanted conflict with Aideed's entire sub-clan, the Haber Gedir, which controlled most of the area surrounding the UN compound. On 3 October 1993, the conflict reached a tragic end, when 17 US Army Rangers and hundreds of Somalis were killed in intense street fighting following a failed raid on a meeting of Aideed's top officers. The "Black Hawk Down" incident led to a dramatic reversal of policy. The US halted operations to apprehend Aideed, and began a phased withdrawal from Somalia. Though the UN remained in Somalia until March 1995, it quickly lost control of the streets. It departed from Somalia having failed to promote national reconciliation and revive a central government.

The failure of UNOSOM has produced numerous, competing, and often politicized interpretations of what went wrong and who is to blame. Some accounts blame the UN for embracing policies designed to marginalize Aideed,¹⁴ while others hold the US accountable for having coddled Aideed during UNITAF and leaving the problematic tasks of nation-building and demobilization to the UN.¹⁵ Still others assign responsibility to the Somalis themselves. But blame for the failed mission is less significant than the longer-term impact of the intervention on Somalia. The UNITAF/UNOSOM mission ended the two-year period of widespread famine and heavy warfare. While it temporarily empowered and legitimized

¹² Menkhaus, K. and Ortmyer, L., *Key Decisions in the Somalia Intervention*, Washington DC: Georgetown University, 1995.

¹³ Bensahel, N., Humanitarian Relief and Nation Building in Somalia, in Art, R. and Cronin, P. (eds.), *The United States and Coercive Diplomacy*, Washington DC: US Institute of Peace Press, 2003, pp. 45-6

¹⁴ Hirsch, J. and Oakley, R., *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping*, Washington DC: US Institute of Peace, 1995

¹⁵ Clarke, W. and Herbst, J., Somalia and the Future of Humanitarian Intervention, in Clarke, W. and Herbst, G. (eds.), *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*, Boulder: Westview Press, 1997, pp. 242-3

warlords (who became the centrepiece of a flurry of failed peace conferences), UNOSOM also helped to cultivate the rise of civil society groups and local administrations which would later play a more robust role in Somalia. The failed mission deepened both external fatigue with Somalia and Somali scepticism regarding the motives and capacity of external actors. Perhaps the most important and unintended impact of the intervention was its effect on the Somali economy. By pouring hundreds of millions of dollars into the economy (mainly in Mogadishu), and by generating lucrative opportunities for local businessmen in procurement, money changing, property rental, and other contracting, UNOSOM helped to create and empower a new class of Mogadishu businessmen. Thanks to UNOSOM, many of the figures who initially profited from the war economy shifted into more “legitimate” forms of business, a transformation which made the business class as a whole less interested in warfare and more interested in predictable, safe commercial environments.¹⁶ Because most of these Mogadishu businessmen were from the Hawiye clan (especially the Haber Gedir/Ayr sub-clan), UNOSOM also inadvertently helped that clan to establish itself as a hegemonic economic group in southern Somalia.

2.4 Post-intervention Political Trends

The fact that Somalia is still a zone of complete state collapse has led many observers to conclude that the country has remained unchanged politically. Yet beneath the surface of state collapse, significant political changes have occurred.

First, since 1995 sub-national polities have come to assume modest but real political functions, providing residents with a modicum of governance. In the south, this trend toward decentralization has manifested itself mainly in the rise of local *sharia* courts, funded by businessmen and usually controlled by clan elders. Though fragile and prone to setbacks, these *sharia* courts have provided neighbourhoods and towns with improved law and order.¹⁷ In the north, the two trans-regional polities Puntland and Somaliland have assumed a broader range of governmental responsibilities. Somaliland has been particularly successful in this regard.

Second, the power of some Somali political actors has shifted, in some cases dramatically. Faction and militia leaders are with few exceptions far less powerful than in the early 1990s, mainly due to a decline in their ability to secure resources from their clans. Conversely, the past eight years have witnessed the rise of businessmen as independent and increasingly influential players (discussed below, **3: Inventory of Contemporary Actors and Issues, passim.**).

Third, the political interests of some of the key political figures and groups in the country have shifted away from lawlessness, armed conflict, and state collapse. To be sure, there are still “conflict constituencies” which have political or economic interests in continued anarchy – arms traffickers, warlords fearing arrest for war crimes, illiterate militiamen whose only source of revenue is their gun, and others. Those groups can and do continue to play the role of spoiler. But the coalition of Somali political and economic elites who now have a vested interest in rule of law, secure commercial arteries, and trans-clan economic partnerships is

¹⁶ United Nations Development Programme, *Somalia Human Development Report 2001*, pp. 143-4

¹⁷ Menkhaus, K., Somalia: Political Order in a Stateless Society, *Current History*, Vol. 97, No. 619, May 1998, pp. 220-4

growing. This is especially true of businessmen who have invested heavily in fixed assets. Warfare is no longer an “instrument of enterprise” as it was in the early years of the crisis.¹⁸

A fourth political change has occurred in the realm of armed conflict itself, which now looks nothing like the type of battles waged in 1991-1992. With a few exceptions, armed conflicts in Somalia today have devolved to localized, intra-clan quarrels. This has resulted in shorter and less deadly clashes, and far less conquest of territory and resulting looting. In some areas, many militiamen have spontaneously demobilized, seeking less dangerous and more acceptable livelihoods. Those who continue to work as militia earn far less than in the early 1990s – typically only a dollar a day as private security guards. Because armed conflicts are now mainly sub-clan affairs, clan members are much less willing to support the clashes, and clan elders are often in a better position to intervene to contain the fighting. These intra-clan conflicts are often a reprisal for a criminal act, making it increasingly difficult to differentiate outbreaks of armed hostilities from responses to criminality.¹⁹

Fifth, lawless or criminal activity has itself changed over the past decade. The gratuitous violence and atrocities associated with the 1991-1992 civil war are generally (though not always) a thing of the past. Clan customary law and *sharia* courts have reasserted at least intermittent control over criminal behaviour. Weapons are rarely carried openly on the streets. One exception has been the worrisome rise of a thriving kidnapping industry which targets Somalis with links to external funds (relatives in the diaspora, employment in an international agency) as well as foreigners. Serious outbreaks of armed criminality – highway banditry, robbery, extortion – do occur in different areas at different times, but are much less endemic than in the early 1990s. However, international aid workers are more vulnerable to armed attacks and kidnapping today than during the height of the war and famine in 1992, when aid agency personnel were generally left alone.

Finally, the past eight years have seen the rise of regional actors as key external players in Somali affairs. Egypt and the Gulf states have been increasingly influential in Somalia, using foreign assistance to promote greater Arabization, Islamic identity, and a strong central Somali state to counterbalance Ethiopia. Dubai (United Arab Emirates) has become the financial and commercial capital of Somalia. Ethiopia, which shares a long border with Somalia and which thus has vital security interests in the country, has intervened militarily in border areas of Somalia and maintains its own set of local clients. At times, the rivalry between Egypt and Ethiopia has led to a virtual proxy war in Somalia. Divergent regional interests in Somali political affairs have been a significant obstacle to national reconciliation there. In addition, since the terrorist attacks in the United States on 11 September 2001, Somalia has attracted renewed interest from the US and its allies as a possible safe haven for both foreign and Somali terrorists linked to Al Qaeda. Though this has not led to any direct military action to date, Somalia’s ongoing crisis of state collapse is now viewed as a matter of global security rather than simply a local problem, earning the country somewhat more attention from external states than before.²⁰

¹⁸ Menkhaus, K., State Collapse in Somalia: Second Thoughts, *Review of African Political Economy*, Vol. 30, No. 96, fc September 2003

¹⁹ *Ibid.*

²⁰ International Crisis Group, *Somalia: Countering Terrorism in a Failed State*, Nairobi; Brussels, 23 May 2002

2.5 Post-intervention Economic Trends

No other aspect of Somali society has changed as dramatically in the past eight years as its economy. The country went from a heavily statist and foreign-assistance driven economy under Siyad Barre to an economy of plunder in 1991-1992 and an economy sustained almost entirely by employment in and contracts for the UN in 1993-1994. Since 1995, the economy has shifted yet again; today, it is a radically privatized, unregulated economy focusing mainly on commercial trade and the service sector. The rapid expansion of private sector activity in Somalia into everything from the operation of seaports to provision of veterinary and health care services has been impressive, earning Somalia a reputation in some quarters as a haven for entrepreneurship. In reality, the complete lack of regulations has been a mixed blessing, creating as many obstacles as opportunities for Somali investors.

One of the changes driving other transformations in the Somali economy is the rise of remittances as the main source of capital. Remittances have been a factor in the Somali economy since the late 1970s, but in the past decade they have become a central pillar of the economy. The number of Somalis living in the diaspora is estimated at over one million people, most of whom fled the country in the late 1980s or early 1990s. Virtually all adult members of the diaspora send back remittances to relatives in Somalia. By the mid-1990s, the diaspora's earning power improved, and remittances became the principal source of purchasing power in Somalia. Estimates of annual flows of remittances into Somalia (including Somaliland) vary; the current consensus is that roughly US\$500 million is sent each year, far more than the country receives in foreign aid (US\$115 million in 2000).²¹ Remittances provide the purchasing power which sustains the commercial and service sectors which have done so well since 1995, and are increasingly a source of investment capital as well.

Related to the rise of remittances has been the rise of the money transfer (*hawilaad*) and telecommunications sector in Somalia. Thanks to advances in satellite-based telecommunications technology, private Somali companies have been able to provide inexpensive and high-quality phone and money transfer services to the population. The *hawilaad* companies have also facilitated business transactions between Somalia, Dubai, and the rest of the world, enabling Somalia's businessmen to compete successfully in transit trade into East Africa. Since the 11 September 2001 terrorist attacks, Somalia's *hawilaad* companies have come under scrutiny as possible conduits of terrorist funds, and the assets of the largest such company, Al-Barakat, were frozen by the US in late 2001.

Another important economic development has been the rise of international transit trade through southern Somalia's beach ports into Kenya. Somali merchants take advantage of the virtual lack of customs levied on goods imported into Somalia and on lax border controls in Kenya to transport consumer goods into the Kenyan market at lower cost than their Kenyan competitors can match. This entrepot trade – in sugar, fuel, light electronics, spare parts, and other goods – has become a major commercial enterprise. It has also helped to spawn a dense network of cross-clan business partnerships, in order to enable goods to move safely from Mogadishu across the territory of several clans in southern Somalia, and to monitor prices in Dubai and Nairobi. In the north, a booming trade out of Bosaso and Berbera ports into Ethiopia is fuelling economic resurgence there as well.²²

²¹ United Nations Development Programme, *Somalia Human Development Report 2001* p. 119

²² *Idem.*, pp. 93-5

Somalia has also seen the development of light industry since 1995, mainly to meet local demands for basic items such as pasta, soap, furniture, electricity, and bottled water. A robust private service economy has also developed in urban areas, providing health care, education, and hotel and restaurant services. Some of the country's urban centres – Mogadishu, Bosaso, Galkayo, and Hargeisa in particular – have enjoyed a boom in real estate development and housing construction, financed mainly by remittances.²³

Traditional modes of production continue to do poorly, however. Nomadic pastoral production of livestock has been badly hurt by prolonged import bans on Somali livestock by Gulf states, in response to outbreaks of Rift Valley fever. Terms of trade for livestock continue to drop against the value of dry food rations, placing greater stress on poorer pastoral households.²⁴ Some of the rangeland in the north and central portions of the country is overgrazed and deteriorating, adding still more stress on the sector.²⁵ Widespread harvesting of acacia trees for charcoal exports is also reducing the carrying capacity of some rangeland.²⁶ Only in the Transjuba area is pastoral production doing well – there, easy access to the Kenyan market provides a reliable source of cattle sales.²⁷ Agricultural production has suffered even more in the past decade. Only a fraction of riverine land devoted to irrigated agriculture is under production, and rainfed farming has been hurt by insecurity and displacement of many of southern Somalia's small farmers. Post-war grain harvests have generally totalled less than 40 per cent of pre-war levels.²⁸ Banana exports, which once generated revenue for a small group of plantation owners, have been badly hurt by policy changes in the European Union's preferential trade arrangements.

2.6 Post-intervention Social Trends

A number of notable changes have occurred at the social level in post-intervention Somalia. Clan elders have been able to reassert at least some of the authority they traditionally held, a development which has improved local communities' capacity to manage conflict and crime. New social groups, such as the Islamist charity organization Al-Islah, have come to play a central role in the health and education sectors, and wield growing influence at the political level.²⁹ The business community is much more organized and willing to play a more direct role in social and political affairs. Civil society groups such as local NGOs, professional associations (medical personnel and teachers), human rights groups, women's associations, and others are also much better organized and influential in political affairs than was the case during UNOSOM. And weak or minority social groups, such as the Digil-Rahanweyn, the Somali Bantu, and low-caste clans such as the Midgaan and Yibir have become much better organized and in some instances armed. Minority rights, which not long ago was unheard of in Somalia, are now becoming a mainstream political issue.

²³ *Idem.*, p. 103

²⁴ United States Agency for International Development, Famine Early Warning Systems Network, *Somalia Food Security Summary Update*, Nairobi, 15 March 2001

²⁵ Food Security Assessment Unit, *Structural Vulnerability Workshop: Environmental Degradation in the Haud*, Nairobi, 2000

²⁶ United Nations Development Programme, *Somalia Human Development Report 2001*, pp. 114-16

²⁷ Little, P., *Somalia: Economy without State*, Bloomington: Indiana University Press, 2003, ch. 5

²⁸ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 102

²⁹ Bryden, M., No Easy Fixes: Coming to Terms with Terrorism, Islam, and Statelessness in Somalia, *Journal of Conflict Studies*, fc September 2003

Other social trends are worth noting as well. The current remittance-based economy has helped to foster a greater gap between the relatively privileged and the destitute in Somalia. Income gaps are growing within Somalia, producing new classes of vulnerable groups – poor pastoral households, internally displaced persons, migrant labourers, and households lacking access to remittances, among others. The income gap is especially acute between urban and rural Somalis.³⁰ Another social trend of concern is the “lost generation” of young Somalis – between the ages of 10 and 30 – who came of age in a time of complete state collapse. As a group, the lost generation has little or no formal education, few marketable skills, and in many cases has been drawn into militia activities and/or criminality. Finally, the proliferation of the use of the mild narcotic *qaat* must be noted as an unfortunate social trend linked to the war. *Qaat* consumption is now much greater than in the pre-war era; it is a serious drain on scarce household income, reduces productivity, and can become the source of armed conflicts. *Qaat* consumption is consistently cited by Somalis as a major social problem.³¹

2.7 Post-intervention Humanitarian Trends

The humanitarian landscape of Somalia has also changed considerably over the past decade. The country continues to be vulnerable to endemic “soft” humanitarian emergencies – chronic food shortages, high levels of malnutrition (71 per cent of the population is malnourished),³² and periodic outbreaks of cholera and other diseases. But there are far fewer “extreme” emergencies involving widespread famine and population displacement. Because armed clashes are shorter, more localized, and less oriented towards looting and pillaging, conflict is generally less of a causal factor precipitating humanitarian emergencies. Instead, the few extreme humanitarian emergencies since 1995 have tended to be associated with natural disasters – the El Niño floods of 1998, and severe localized droughts from year to year. Insecurity and state collapse do, however, continue to render some parts of the population more vulnerable to catastrophic setbacks and poor food security. In response, aid agencies have developed more effective means of delivering food aid – mainly through use of local contractors and retainers – which minimize diversion of relief aid by militias. Another trend linked to humanitarian response has been the sharp decline in the posting of international staff in south-central Somalia, and the increased reliance on national officers, a response to the rising threat of kidnapping and general insecurity in that region.

3 Inventory of Contemporary Actors and Issues

3.1 South-central Somalia – Actors and Interests

Because the capital Mogadishu is located in the south, most of the politics of south-central Somalia tends to gravitate around “national” political issues, and most of the political actors of consequence tend to be located in the capital. The most important actors today include the following:

Transitional National Government (TNG). Led by President Abdiqassim Salad Hassan, the TNG was created at the Arte peace talks in Djibouti in August 2000. It was intended to serve as a three-year interim national authority, after which a permanent government would be

³⁰ United Nations Development Programme, *Somalia Human Development Report 2001*, pp. 91-2

³¹ United Nations Development Programme, *Somalia Human Development Report 1998*, Nairobi, 1998, p. 53; Academy for Peace and Development, *The Impact of the War on the Family*, Hargeisa, July 2002, ch. 3

³² United Nations Development Programme, *Human Development Report 2003*, p. 339

selected on the basis of national elections. The TNG was initially greeted with high expectations, and enjoyed the support of the powerful Mogadishu business community.³³ But it quickly ran into a number of serious problems. It failed to attract the level of foreign assistance needed to become operational; what foreign aid it did receive (mainly from Gulf Arab states) was diverted into private pockets; it never established a capacity to control and administer more than a portion of the capital city; its relations with neighbouring Ethiopia quickly soured, leading Ethiopia to support some anti-TNG Somali groups; and it failed to bring important Somali regional and factional authorities into the administration. Puntland, Somaliland, the Rahanweyn Resistance Army, and a number of powerful militia figures in the Mogadishu area (Musa Sude, Qanyare Afrah, and Mohamed Dhere, among others) either rejected the TNG outright or left it shortly after its inception. Even some of the businessmen who had given the TNG token support may have only wanted to use it as bait for foreign aid, while quietly working to ensure that it did not become operational and threaten some of their private interests.³⁴ By 2002, the TNG was moribund; it had almost no resources or operational capacity, was badly divided internally, and was increasingly perceived as a narrow coalition dominated by one Hawiye sub-clan, the Haber Gedir/Ayr.

As of mid-2003, the TNG is so badly and openly divided that it is increasingly meaningless to discuss it as a political entity. The issue which has led to open discord in the TNG is the national peace process (the “Mbagathi talks”), sponsored by the Inter-Governmental Authority on Development (IGAD), which began in October 2002. Those talks produced an agreement in July 2003 (see further below, **3.2.1: Reconciliation: The Aftermath of the Mbagathi Peace Process**) which TNG President Abdiqassim rejects while TNG Prime Minister Hassan Abshir and Transitional National Assembly Speaker Abdulla Deerow accept it. The Abdiqassim wing of the TNG has consistently stood to lose the most from the Mbagathi talks, and has been the most reticent about them. Ironically, Abdiqassim sent Hassan Abshir to attend the Mbagathi peace talks at a time when they seemed destined to collapse, as part of an attempt to marginalize him. Instead, the Mbagathi process now appears to have marginalized Abdiqassim.

The fate of the TNG is now uncertain, but it seems likely that whether the Mbagathi talks succeed or fail, Abdiqassim will seek to maintain the TNG as sole repository of Somali sovereignty. On 11 August 2003, he announced that the TNG would continue to operate as the national government until free and fair elections are held, a move which came only two days before the TNG’s three-year mandate was set to expire. This extension of the TNG and his presidency has the potential to create two rival national governments in Somalia, one derived from the Mbagathi talks and the other from the Arte talks. In either event, the TNG will be weak and divided but still a political unit of some consequence in Mogadishu.

The Somali Reconciliation and Restoration Council (SRRC). This extremely loose coalition of Somali political groups and leaders, established in 2001, is held together only by the common thread of Ethiopian patronage. It is comprised of a number of mainly clan-based factions and regional administrations, including the Puntland administration, led by Abdullahi Yusuf (discussed below, **3.3: Puntland: Actors and Interests**); the portion of the now-split Rahanweyn Resistance Army (RRA) led by Hassan Mohamed Nur “Shatigaduud”; Hussein Aideed (son of the deceased General Mohamed Farah Aideed) and his Haber Gedir/Sa’ad

³³ Le Sage, A., Somalia: Sovereign Disguise for a Mogadishu Mafia, *Review of African Political Economy*, Vol. 29, No. 91, March 2002, p. 132

³⁴ Menkhaus, State Collapse in Somalia...

militia; General Mohamed Sayid Hersi “Morgan”, who controls no territory but who commands a Mijerteen militia currently based in Bakool region; the self-declared Governor of Middle Shabelle, Mohamed Dhere, and his Abgal/Warsengeli clan militia; and the Biimaal clan, based in the Merka area and in Lower Jubba. Abdullahi Yusuf is by far the most influential figure in the SRRC, and is poised to claim the position of President of the “Transitional Federal Republic of Somalia” should the Mbagathi talks produce a power-sharing agreement. Few of the other SRRC members enjoy much power. Mohamed Dhere has emerged as a strongman in the greater Mogadishu area, but is locked in a dangerous battle with rival Abgal sub-clans for control of Middle Shabelle and North Mogadishu. Shatigaduud now commands only his own sub-clan within the Rahanweyn, and the RRA in general has been badly weakened by internal armed conflicts. General Morgan is a political pariah, likely to be the first Somali leader charged with war crimes at some point in the future. And Hussein Aideed has only a very small following inside Somalia. The political agendas of these different militia leaders and clans are quite disparate, making it unlikely that the SRRC will act as a coherent political unit if and when a transitional government is brokered at Mbagathi.

Though Ethiopian clients, members of the SRRC are not Ethiopian puppets, and on occasion pursue policies which are at odds with Ethiopia. Thanks to Ethiopian influence in the Mbagathi mediation, the SRRC’s interests have been advanced by the talks. In particular, they have a controlling portion of the 24 seats in the Leader’s Committee, giving them – and Ethiopia – the ability to determine the outcome of the talks. Though the SRRC is not all that strong inside Somalia, it has emerged for the moment as the big winner in the Mbagathi peace talks, thanks mainly to Ethiopia’s leverage.

The Group of Eight (G-8). The G-8 is a set of political/militia leaders in southern Somalia (mainly based in Mogadishu, and mainly from the Hawiye clan-family) who are not clients of Ethiopia but who either are openly opposed to the TNG or choose to remain outside the TNG. They are grouped together not because they act as a single political coalition – on the contrary, some of the fiercest fighting in Mogadishu occurs between the militias of some of these figures – but rather because they collectively constitute a powerful set of potential spoilers controlling some of the larger militias in Mogadishu and southern Somalia. Among the most powerful figures in this group are Mohamed Qanyare Afrah (Hawiye/Murasade), whose business activities in Mogadishu (he operates the Dayinle airport) give him an independent source of revenue; Musa Sude (Hawiye/Abgal), who is engaged in some of the heaviest fighting in Mogadishu, against the militias of both Mohamed Dhere and Omar Finnish; Omar Finnish (Hawiye/Abgal), a former deputy to Musa Sude but now his fiercest rival; and Osman Atto (Hawiye/Haber Gedir), once the financier for General Aideed but now a relatively weak local player in south Mogadishu. The interests of individual members of the G-8 vary, but all seek to veto any new government in which they do not have a major position. The Hawiye figures in the G-8 share a common preference for a more Mogadishu-centred government in Somalia, and are as a result unenthusiastic about proposals for political decentralization and deeply opposed to proposals to establish a provisional capital outside of Mogadishu. Those two issues, among others, are responsible for the growing level of G-8 dissatisfaction with the direction of the Mbagathi talks.

Regional Authorities. In several locations of southern Somalia, regional authorities hold some degree of power. Those authorities are primarily interested in using their control over territory as leverage in national power-sharing arrangements, and in some cases to exploit resources in the areas they control. The most significant of these in mid-2003 is the Jubba

Valley Authority (JVA), a loose alliance of militia and businessmen from the Haber Gedir/Ayr and Marehan clans who have controlled the strategic port city of Kismayo since 2001. The JVA's principal interest is in the trade through the all-weather seaport, where Ayr and Marehan businessmen are making handsome profits exporting charcoal and importing a range of goods, including sugar and weaponry, destined either for Kenya or Mogadishu. The JVA is essentially an outside occupying force. Because it is composed of two different clans, it does not possess a consistent policy in national affairs – though close to the TNG in the past, it maintains a separate political identity, and in more recent times has been identified with the G-8.

Islamist Groups. Islamist groups have been the subject of intense scrutiny in Somalia since the 11 September 2001 attacks. The most overtly political, and radical, Islamist group is Al-Ittihad al-Islamiyya (AIAI), which embraces a strict Wahabist interpretation of Islam. AIAI is dedicated to the establishment of an Islamic government in Somalia and in Somali-inhabited portions of Ethiopia, and has been implicated in terrorist attacks against Ethiopian government targets. From 1991 to 1996 AIAI controlled the southern city of Luuq, but was subsequently driven out of the town by Ethiopian forces. Since then, AIAI has opted to integrate into local communities and establish itself in key sectors – business, local courts, schools – rather than attempt to assume direct political control. It is decentralized and not able to overcome clan divisions, and some of its top figures, such as Hassan Turki and Mohamed Aweiss, are fierce rivals. No hard evidence has emerged of intimate AIAI links to Al Qaeda, but that possibility remains an enduring concern. AIAI members supported the establishment of the TNG and sought to gain positions of influence within it, leading Ethiopia unfairly to accuse the TNG of being a front for AIAI. The general consensus today is that AIAI is weak and fragmented, but its capacity to draw on external sources of funding makes it a potentially important actor.³⁵

Of more immediate relevance in contemporary Somalia is the Islamist charity group Al-Islah and the dozens of other Islamic non-profit organizations operating in the country. Al-Islah consists of a network of Somalis drawing on foreign funds from the Gulf states to build and operate Islamic schools, hospitals, and other social services in Somalia. Al-Islah is present country-wide, but is especially concentrated in Mogadishu, where it is the primary provider of educational and health services. Al-Islah aims to promote a deepening of Islamic practices in Somalia, associated with an Arabization campaign, but it does not embrace an overt political agenda and does not participate as a distinct grouping or party in Somali politics. Many of the top businessmen and political figures in Mogadishu are associated to some degree with Al-Islah. The organization seeks working relations with the West and takes pains to distance itself from radical Islamist groups. For some observers, Al-Islah is nonetheless a source of concern, a potential Trojan horse for more radical Islamist elements;³⁶ for others, it is a mainstream, relatively progressive, and effective social outreach movement. To date, there is virtually no contact or coordination between Islamic charities and the collection of mainly western NGOs and UN agencies in the Somalia Aid Coordination Body (SACB).

³⁵ International Crisis Group, *Somalia: Countering Terrorism...*; Bryden, *No Easy Fixes...*; Menkhaus, K., *Political Islam in Somalia*, *Middle East Policy*, Vol. 9, No. 1, March 2002, pp. 109-23; Le Sage, A., *Prospects for Al Itihad and Islamist Radicalism in Somalia*, *Review of African Political Economy*, Vol. 28, No. 89, September 2001, pp. 472-7

³⁶ Tedesse, M., *Al-Ittihad: Political Islam and Black Economy in Somalia*, Addis Ababa: Meag Printing, 2002; Bryden, *No Easy Fixes...*

Business Community. Since the mid-1990s, the top businessmen in Mogadishu and Hargeisa have emerged as real power brokers in Somalia. The business elite in Hargeisa was instrumental in backing President Mohamed Egal, providing loans in exchange for special tax considerations in their import-export transactions. In Mogadishu, wartime entrepreneurs began investing in quasi-legitimate forms of business – money exchange, telecommunications, remittance companies, banana plantations, hotels, transport, and other sectors – starting in the UNOSOM period. Throughout most of the 1990s, these business elites were not independent of the militia leaders of their clans, paying “taxes” to the warlords. But the businessmen grew frustrated with the lack of basic services in return for the taxes – especially the lack of security. They also had reached a point of affluence and power in their communities where they could directly challenge the warlords of their own sub-clans. In 1999, the south Mogadishu businessmen refused to pay taxes to militia leaders, and instead bought the militia out from beneath the warlords, subcontracting out control of the militia to a *sharia* court system. That was the moment which defined the top Mogadishu businessmen as perhaps the most powerful actors in the country. In 2000, these same figures threw their financial support behind the TNG. The interests of the business community are complex and by no means unified. Some are genuine supporters of a revived central government, but others have lucrative interests in private seaports and other enterprises which may be threatened by a return of a central state.³⁷

Civil Society. The very existence of civil society in Somalia is a matter of debate; not all are convinced that the concept is appropriate for Somalia. The term was corrupted in the early to mid 1990s when international relief agencies sought out “local counterparts” for project implementation, a policy which spawned hundreds of “briefcase” NGOs with no other objective than to secure international aid funding. Since that time, however, Somali civil society has clearly become more organized and independent of external patronage. Medical professionals and educators organize strikes against militia leaders; women’s NGOs enjoy grassroots support; human rights organizations operate freely; and religious groups ranging from Al-Islah to the followings of traditional sheikhs are more visible politically. To the extent that clan elders can be considered part of civil society, they too have seen a resurgence in their roles, particularly at the Arte peace conference in 2000. These disparate groups run the spectrum from progressive to traditional, and as a result are not capable of much cooperation. But they are taking their place at the political negotiating table in Somalia, and are likely to continue gradually to gain strength.

Clans. Clan has been enshrined as the operative principle of representation in Somalia ever since the Arte talks agreed on the “4.5 formula” in which the four major clan-families (Dir, Darood, Hawiye, Digil-Rahanweyn) are represented in equal numbers, while minority groups hold half as many seats. The current Mbagathi talks are built around this formula as well. This guarantees that clan elders will have a role in political negotiations, and that any aspiring leader, whether a militia figure or a professional, must pose as a representative of his or her clan in order to win a position in a new government. The fact that all the current coalitions (TNG, SRRC, G-8) are multi-clan can easily confuse observers into presuming that any government established along these proportional clan lines is representative. Yet the real political battles are within, not between, these clans. What will emerge from political manoeuvring and talks in the Mbagathi process is not an attempt to create a government of national unity, but rather an effort to poach and co-opt disgruntled members of other clans

³⁷ Marchal, R., *The Post Civil War Somali Business Class*, Nairobi: European Commission Somalia Unit, 9 September 1996; United Nations Development Programme, *Somalia Human Development Report 2001*, ch. 3

into one's coalition at the expense of one's rivals. This is an old game at which Somali political figures are very adept. Clan is, from this perspective, as much a tool to be used by political elites as it is an autonomous political force.

External Actors. Contemporary Somali politics cannot be understood in isolation from the regional politics which shapes political outcomes inside the country. Of special importance is the regional rivalry – one which can at times degenerate into a virtual proxy war inside Somalia – between Ethiopia on the one hand and Egypt and the Arab states on the other. The Arab states seek a strong central government in Somalia, one which can serve as a counterbalance to Ethiopia in the region. They have consistently rejected Somaliland's bid for independence and have given financial support to President Abdiqassim and the TNG, which itself has embraced a vision of a centralized state and which calls for close ties with the Arab and Islamic world. For its part, Ethiopia fears the return of a strong central state which could again take up Somali irredentist claims on the Ogaden region of Ethiopia, or which could become an Arab/Islamic beachhead outflanking Ethiopia. It is a matter of debate and speculation whether Ethiopia seeks a decentralized, federal Somalia or whether it is simply unwilling to risk the revival of any central government in Somalia. If the latter, it is a powerful spoiler in the Somali peace process. But what is undeniable is that Ethiopia has vital security interests in Somalia and is willing to do whatever it takes – including periodically injecting its troops into Somalia and supporting a network of Somali client groups – to protect those interests. Other external actors are of consequence as well. The African Union (AU) has recently become a more robust actor in Somali affairs, by exploring the possibility of introducing AU peacekeeping forces into Somalia as part of a successful peace accord. The European Union (EU) remains the major western donor, and plays a diplomatic as well as humanitarian role inside Somalia. And since the events of September 2001, American counter-terrorism policy has the potential to have significant impact inside Somalia.

3.2 South-central Somalia: Key Issues

In the short-term (2003-2004), three issues will dominate the politics of south-central Somalia: first, the aftermath of the Mbagathi peace process; second, the dynamics of a series of local armed conflicts; and third, American counter-terrorism policies in Somalia. A number of important longer-term issues, such as land occupation and decentralization, are likely to shape the political landscape beyond 2004.

3.2.1 Reconciliation: The Aftermath of the Mbagathi Peace Process

The current peace talks in Kenya have produced a Declaration of Agreement (5 July 2003) in which leaders agreed to a transitional parliament comprising 351 members apportioned by clan along the 4.5 formula, with members of parliament to be selected by political leaders in consultation with clan elders. Once appointed, the members of parliament will then select a transitional president, who will govern for four years. The transitional government will be federal in nature, with the details of decentralization to be worked out by a special commission. The charter which was approved in the Declaration of Agreement must still be ratified in a plenary session, and has meanwhile been criticized as ambiguous, flawed, and likely to produce new disagreements.³⁸ If and when the Charter is approved, political energies will turn to negotiating selection of MPs and power-sharing within the executive branch.

³⁸ United Nations Integrated Regional Information Network, Draft Charter Should Be Scrapped, Says Independent Survey, 30 July 2003, http://www.irinnews.org/report.asp?ReportID=35680&SelectRegion=Horn_of_Africa&SelectCountry=SOMALIA [accessed August 2003]

It is unclear at this time if the power-sharing phase of the Mbagathi talks will yield a working accord and a transitional government. The process faces daunting challenges and growing crises. TNG President Abdiqassim has rejected the agreement, has left the talks, and insists the TNG Prime Minister Hassan Abshir Farah has no right to represent the TNG. Many of the pivotal G-8 leaders have balked at aspects of the accord, and some, like Musa Sude, have rejected Mbagathi altogether. The Hawiye clan-family in general and some specific Hawiye sub-clans in particular view the process as dominated by Ethiopia and as favouring the Darood clan, making it unlikely that a transitional government will be welcome in Mogadishu (this is especially true if Abdullahi Yusuf, a Darood/Mijerteen, is named president). The principle of federalism and decentralization enshrined in the charter is a source of ongoing disagreement within Somalia, as is the proposal to relocate the capital provisionally outside of Mogadishu. And the allocation of specific positions in the government will almost certainly leave some political figures and their clans dissatisfied, producing more rejectionists and potential spoilers.

Two scenarios are most plausible in the coming year. Both have the capacity to generate ample political manoeuvring and in some cases conflict in south-central Somalia. In the first scenario, the Mbagathi talks will collapse due to intractable disagreement over power-sharing. In that case, TNG President Abdiqassim will press his case for an extension on the three-year mandate of the TNG. That extension will be contested by many Somalis as illegitimate. The TNG will continue to exist as a partially recognized but non-functional political entity in Mogadishu, while southern Somalia as a whole reverts to a pre-Arte (1998-1999) situation, one featuring localized polities and warlord fiefdoms. In this scenario, we can expect to see the revival of local *sharia* courts as communities seek to establish their own rule of law as best they can. Most armed conflict will be localized and intra-clan in nature. The business community in Mogadishu may again try to purchase large private militias to maintain basic security in key markets and trade corridors. Somaliland's claim to sovereignty will be strengthened by the failure of the peace process in the south, while Puntland will withdraw from its current involvement in national politics and focus on building its own regional administration. Abdullahi Yusuf may even appeal to the international community to make Puntland a temporary "repository of Somali sovereignty" as an interim measure rather than allow Somalia to go entirely unrepresented in international affairs.

In an alternative scenario, Mbagathi produces a transitional federal government, probably led by Abdullahi Yusuf with a Haber Gedir/Sa'ad Prime Minister. The transitional government will be rejected by powerful groups in Mogadishu and will be forced to name an alternative site – Baidoa, Beled Weyn, or Galkayo – as provisional capital. The TNG, meanwhile, will declare the Mbagathi government invalid and will insist on an extension to its mandate, producing two rival Somali governments, one supported by Arab states and the other by Ethiopia and the African Union. This scenario has the potential to recreate a proxy war in Somalia, with several flashpoints of conflict – Kismayo, Baidoa, Merka, and possibly north Mogadishu/Middle Shabelle. In either case, politics in the region will feature frequent shifts in alliances and chronic instability. The odds on south-central Somalia becoming a more permissive and secure environment for aid agencies in the aftermath of the Mbagathi talks are, at the present time, fairly remote.

The prospects for a successful accord – one which yields a transitional government which is widely accepted in Somalia and which, with support from a proposed African Union peacekeeping force, is able to establish itself in Mogadishu – are not promising at this time. Were the African Union to inject peacekeeping forces in Mogadishu without the broad

agreement of the Hawiye militias which dominate the city, they would almost certainly be met with armed resistance.

3.2.2 Local Conflicts

A number of local conflicts continue to fester in south-central Somalia and will create insecurity and armed clashes regardless of the outcome of the Mbagathi talks. When considered collectively, they paint a distressing portrait of widespread insecurity across most of south-central Somalia.

One of the most dangerous conflict areas is north Mogadishu/Middle Shabelle, where rival Abgal militias have repeatedly clashed in sometimes heavy fighting. These clashes are driven mainly by leadership disputes, but another underlying cause of conflict in that region is Mohamed Dhere's attempts to provide security for the El-Ma'an port traffic into Mogadishu, which runs through the territory of rival sub-clans. Most observers expect renewed intra-Abgal fighting both in north Mogadishu and in the Abgal neighbourhood of Medina. Recent deterioration in public order in Mogadishu, including a disturbing rise in unchecked banditry and violent crime, is raising tensions and can easily trigger broader armed clashes.

A second flashpoint is the Rahanweyn inhabited areas of Bay and Bakool regions, where the violence between the rival sub-clan militias of Shatigaduud, Mohamed Ibrahim Habsade, and Sheik Adan Madobe has worsened in recent months and now includes the targeting of civilians for rape and killing, an epidemic of free-lance banditry, and renewed use of landmines. Though local and external pressure is being brought to bear on the three leaders, this conflict will probably continue to render the Bay-Bakool regions dangerous and may produce humanitarian crises. Because Shatigaduud is part of the SRRC and is backed by Ethiopia, while Madobe is pro-TNG, this conflict has the potential to evolve into a proxy war.

In Kismayo, the JVA administration has temporarily established a modicum of order in that chronically unstable city, but the JVA is in essence an external occupation, so that the peace in Kismayo is unstable and likely to degenerate at some point. Instability and banditry have plagued Gedo region for several years, reflecting complex intra-Marehan struggles over political control and resources. There are few indications that that situation will improve in the near future. The Lower Shabelle/Merka area has long been tense due in part to friction between Haber Gedir militia and local clans (especially the Biimaal of Merka) who view the Haber Gedir as occupiers. Any open conflict between the SRRC and the TNG is likely to spill over into this important agricultural region. Hiran region remains chronically unstable in part due to a high level of banditry, in part due to unresolved differences between the east bank Hawadle clan and west-bank clans such as the Gaaljaal, and in part because of intra-Hawadle political struggles pitting local elders and businessmen supporting a *sharia* court militia against the sub-clan militia of the "Governor" of Hiran and other free-lance militia. Finally, a serious rash of armed clashes in south Muduq region has pitted Haber Gedir pastoralists against Dir communities over rangeland and wells, producing dozens of casualties in recent months. Should relations between Puntland and the TNG deteriorate badly in the aftermath of the Mbagathi accord, the divided town of Galkayo could also be the site of heightened tensions.

3.2.3 Counter-terrorism

Somalia has consistently been identified as a potential safe haven for terrorists – specifically, Al-Qaeda – since the September 2001 attacks on New York and Washington. To date, no direct terrorist threat has emerged from Somalia, and most observers feel that the country is a relatively inhospitable environment for foreign terrorists. Still, there is real concern that

Somalia is being used as a transit point for men, money, and materiel moving from unpoliced beach ports into East Africa, and that at least a few foreign terrorists have successfully relocated to Mogadishu, posing as businessmen or staying hidden from view in safe houses.³⁹ American and Western counter-terrorism policies towards Somalia will continue to shape the broader political environment in the country, and have the potential to trigger direct interventions to apprehend terrorist suspects. Remittance companies face the constant threat of being linked in some way with terrorist financial transactions and shut down. Such counter-terrorism policies have a chilling effect on business investments in Somalia. American efforts to assist Kenya and Ethiopia to better patrol their long borders with Somalia have led to much greater restrictions on cross-border commercial movement into Ethiopia, and have the potential to do the same in Kenya. Meanwhile, Somali political figures are certain to continue to parlay the war on terrorism into political advantage by casting their opponents as associates of Islamist terrorist groups. Ethiopia's very aggressive policy toward a perceived Islamist threat in Somalia makes it likely that that country will intervene militarily inside Somalia if it concludes its security is threatened.

3.2.4 Local Governance and Decentralization

Whether the Mbagathi peace process succeeds or fails, the question of political decentralization it has advanced will remain a contentious issue in the near to mid-term in Somalia. Few political actors in Somalia reject the idea of a future federal state outright, but there is no consensus as to what federalism will entail in practice.⁴⁰ Some clans have a strong interest in a more centralized, Mogadishu-based government. The Hawiye clan-family, which now dominates Mogadishu and the surrounding area, is one example. For political figures from that clan, a highly decentralized federal system devolves power away from them and reduces the value of controlling the capital city. By contrast, some other clans are adamantly committed to federalism. The Digil-Rahanweyn, for example, face the dilemma of inhabiting some of the most valuable agricultural land in the country while lacking the militia capacity to protect it from stronger surrounding clans. For them, federalism is the political equivalent of a fence, designed principally to keep others out of their territory. There is, in fact, a tendency to understand federalism as the creation of mini-ethnic (clan) enclaves, not as a collection of multi-clan administrations. If efforts to elaborate upon federalism degenerate into the building of "clanustans," it will trigger armed conflicts and ethnic cleansing in the many areas of south-central Somalia where clans are thoroughly mixed.

3.2.5 Land and Property Occupation

Should the Mbagathi talks or a successor peace process catalyze real efforts aimed at national reconciliation (and not merely power-sharing among elites), one of the burning issues it will raise is the matter of the forcible occupation of land and property in the course of the civil war. The civil war has redrawn the ethnic map of Somalia, as militarily stronger clans have come into possession of valuable urban and agricultural real estate (both private and state-owned).⁴¹ Some have argued that the civil war itself has represented a continuation of a long-established pattern of land expropriation – previously via the laws of the state, now at the point of a gun – by stronger groups against weak agricultural communities.⁴² The problem of

³⁹ Menkhaus, K., Somalia: Next Up in the War on Terrorism? *CSIS Africa Notes*, No. 6, January 2002, pp. 1-9

⁴⁰ International Crisis Group, *Negotiating a Blueprint for Peace in Somalia*, Mogadishu; Brussels, 6 March 2003, pp. 5-6

⁴¹ *Idem.*, p. 7

⁴² Cassanelli, L. and Besteman, C, (eds.), *The Struggle for Land in Somalia: The War behind the War*, Boulder: Westview, 1996

land occupation is most pronounced in Mogadishu, Lower Shabelle, and the Jubba valley, and is most directly associated with the expansion of some powerful Hawiye clans into those areas. But it is by no means unique to the Hawiye; the Marehan clan has occupied land once inhabited by the Rahanweyn and Aulihan, the Aulihan have displaced Bantu and Hawiye clans in the Buaale area, the Hawadle have not permitted Haber Gedir property owners to return to Beled Weyn. At some point in the reconciliation process, the matter of occupation of homes, farmland, and state property must be addressed and resolved. For aid agencies engaged in post-war rehabilitation projects which increase the value of private property, this issue can and does become a dangerous flash point.

3.2.6 *Economic Sustainability*

The vibrancy of Somalia's private sector has attracted considerable attention, and has helped to provide livelihoods and investment opportunities for many Somalis. In the coming years, foreign assistance programmes will increasingly focus on supporting and catalyzing the private sector. But there are concerns about the sustainability of much of the Somali economy, and worries that the results of the past eight years of economic growth are at best fragile. The Saudi ban on Somali livestock imports appears likely to be long-term in nature, and will badly damage the pastoral economy. Pastoral production is also threatened in some areas by serious environmental degradation linked to the charcoal trade, overgrazing, and enclosures. The remittance economy is vulnerable to Western counter-terrorism measures aimed at shutting down conduits of financial transactions by terrorist groups; there is also the long-term concern that a younger generation of Somalis in the diaspora will be less willing to send remittances to distant family members. The transit trade into Kenya and Ethiopia is in essence a form of smuggling, and is subject to border closures and other crackdowns or restrictions. Finally, commercial activity in general faces the threat of long-term degradation of key public assets such as roads and bridges. Each of these issues has the potential to create serious disruption in an already fragile economy.

3.2.7 *Humanitarian Issues*

Somalia appears to be somewhat less vulnerable to extreme humanitarian crises than was the case a decade ago. Serious food shortages and threats to life continue to occur – the El Niño floods of 1998, followed by three years of severe drought in parts of the country put half a million people at risk a few years ago. But the general reduction in warfare and looting, combined with improved local governance and better famine early warning systems, help to pre-empt famine. On the other hand, however, the country remains chronically vulnerable to local humanitarian crises and to the less dramatic emergencies produced by high levels of malnutrition, poor access to health care, and the collapse of most public sanitation and water facilities. Relatively small setbacks can thus have magnified humanitarian consequences.

Four specific scenarios are most likely to produce a humanitarian crisis requiring large-scale international response. If these occur in combination with one another, the level of humanitarian crisis will increase. First, Somalia is acutely susceptible to natural disasters related to climate extremes – droughts and floods. These are usually regional, not national, in scope, but occur regularly in the Horn of Africa. A particularly severe drought could prompt widespread population movements to major cities or across borders. Second, the multiple armed conflicts which continue to plague much of south-central Somalia carry the risk of producing displacement, disrupting crop production, and reintroducing widespread looting of newly acquired territory, all of which can erode food security to emergency levels and render areas inaccessible to relief agencies. Such a level of armed conflict in combination with a natural disaster constitutes a worst case humanitarian scenario which could produce high mortality levels. Third, the absence of a national public health agency, and the very poor

sanitation and potable water services in most of the country, make south-central Somalia an ideal environment for epidemics. Some epidemics, such as seasonal cholera outbreaks, have become routinized emergencies for aid agencies, But the country is susceptible to less controllable outbreaks of dangerous diseases, including new strains of disease which go undetected due to the lack of a public health agency. Finally, south-central Somalia features several social groups which are especially vulnerable to food insecurity and health threats. The large populations of IDPs in camps in Mogadishu and Kismayo, for instance, are consistently among the most malnourished sections of the urban population. These IDPs, mainly from weak, minority agricultural groups, have little or no protection from the clan system and are often at the mercy of “camp managers” who restrict their movements and who divert aid intended for the IDPs. The plight of these IDPs, who number in the tens of thousands, is already attracting greater attention from local political leaders and external aid agencies.⁴³

3.3 Puntland: Actors and Interests

Puntland, a non-secessionist, trans-regional state comprising the Harti-inhabited territory in the northeastern corner of Somalia, was the only region of Somalia which managed to remain almost entirely free of armed conflict in the aftermath of the collapse of the state. For most of the 1990s, the region kept the peace via the mediation of clan elders. In 1998, a formal Puntland administration was declared, one which included Bari, Garowe, north Muduq, Sool, and Sanaag. The latter two regions are claimed by Somaliland and have remained a source of tension between Puntland and Somaliland. The long period of peace in Puntland ended in late 2001, following a constitutional crisis when President Abdullahi Yusuf failed to call elections and sought an extension to his rule, which was rejected by clan elders and a high court judge. An alternative interim government was declared, leading to tensions and armed clashes between the militia of Abdullahi Yusuf and rival Jama Ali Jama. Throughout all of 2002, Puntland was divided and beset by periodic armed clashes. Abdullahi Yusuf’s forces eventually prevailed, thanks in part to Ethiopian patronage, and despite TNG support for Jama Ali Jama. In May 2003, a military successor to Jama, General Ade Muse, came to understand that he lacked the capacity to defeat Abdullahi Yusuf, and instead sued for peace, calculating correctly that Yusuf would welcome the chance to end the conflict and present himself at the Kenyan peace talks as President of a unified Puntland. As part of the agreement, opposition militia have been integrated into the Puntland army and some cabinet posts have been allocated to the opposition. Puntland’s new peace is somewhat fragile, but the state appears to have ended the unfortunate period of fighting which plagued it in 2001-2002.

President Abdullahi Yusuf. The dominant political figure in Puntland is unquestionably Abdullahi Yusuf. Having managed to survive the constitutional crisis he precipitated and defeat and absorb the armed opposition, he now presides over a unified Puntland and stands poised to be named president of the Transitional Federal Republic of Somalia. Yusuf has always sought to use the position of Puntland president as a launch-pad for national ambitions, and as a result never devoted much energy to building a functional Puntland administration. As long as the Mbagathi talks continue, he will devote nearly all of his energies to that national process. If the talks fail, he will fall back on the Puntland presidency and seek to persuade external actors to recognize Puntland as the temporary repository of

⁴³ Narbeth, S., *Livelihoods and Protection: Study of IDPs and Vulnerable Communities in Kismaayo*, Nairobi: United Nations Coordination Unit, July 2003; United Nations Coordination Unit, *A Report on Internally Displaced Persons in Somalia*, Nairobi, 2002

Somali sovereignty. Yusuf derives core support in Puntland from his sub-clan, the Mijerteen/Omar Mahmud, which is based in Mudug. He has mainly relied on military strength as opposed to financial patronage.

Puntland Administration. The Puntland government was never very functional even before the constitutional crisis and armed clashes of 2001-2002. Most top positions were accorded to ex-military officers and other supporters of Abdullah Yusuf. A few departments worked reasonably well, but most were either dormant or devoted their energies towards controlling funds and activities of international aid agencies. The principal activity of the administration has been the collection of customs taxes at the Bosaso seaport and control of the militia. In the summer of 2003, both the militia and civil servants in the administration were unhappy over lack of salary payments. The integration of opposition militia and leaders into the Puntland administration is a source of tensions which requires careful monitoring.

Opposition Groups. A diverse array of groups have stood in opposition to Abdullahi Yusuf, and despite the recent accord will be at best uneasy partners in a unity government. The coastal, commercially-oriented Mijerteen sub-clan of the Osman Mahmud has historically resented the military dominance of Yusuf and his Omar Mahmud sub-clan. Many clan elders, including those of Yusuf's own sub-clan, have resented his treatment of them, particularly during the constitutional crisis. Puntland's intellectuals (the educated professionals) resent Yusuf's hijacking of the process by which the Puntland state was created and his preference for military cronies in the administration. Finally, Puntland's Islamists have long opposed Yusuf and his close association with Ethiopia. These opposition groups are far from cohesive, however.

Traditional Leaders. For a variety of historical and cultural reasons, Puntland's traditional leaders – both clan elders and religious figures – enjoy more authority and legitimacy than their counterparts in most of the rest of Somalia. They also have a more established hierarchy of elders, with top clan leaders known as *boqol* serving as the equivalent of a sultan. Important political matters necessarily involve consultations with these traditional leaders. The quality of this leadership varies.

Clans. Puntland is unique in Somalia as a regional administration which corresponds almost perfectly with clan identity. It is, in other words, an ethno-state, comprised of the Harti clans. The Harti of northeast Somalia are divided between the largest clan, the Mijerteen (which inhabit Bari, Garowe, and north Mudug regions up to Galkayo) and the Warsengali and Dolbahante clans, inhabiting the eastern portions of Sool and Sanaag regions claimed by both Somaliland and Puntland. While the Mijerteen clan is solidly in support of Puntland, the Dolbahante and Warsengali are divided in their affiliations, with some preferring to remain linked to Somaliland. Rivalries between Mijerteen sub-clans dominate the politics of Puntland and are a factor aid agencies must consider in hiring and project design. The three largest Mijerteen sub-clans correspond very roughly to the three regions of Bari (Osman Mahmud), Gardo (Issa Mahmud) and north Mudug (Omar Mahmud).

Islamists. Puntland features a relatively strong and organized Islamist group, many members of which are or have been linked to Al-Ittihad Al-Islamiyya. The group has succeeded in the past in gaining positions within Yusuf's government, especially in the judiciary. Because Ethiopia would almost certainly take direct military action against the group were it to assume direct control of Puntland, it makes no such attempt, preferring instead to gradually

extend its influence in key sectors. The group has to date operated openly and has not been linked to acts of terrorism (in contrast to some other branches of AIAI).

Business Community. Bosaso was in the past a very minor port, but since 1991 has grown into one of Somalia's busiest seaports. Most of the country's livestock exports currently move through Bosaso to Yemen or Dubai. The Puntland business community is not as powerful or well-organized politically as its counterparts in Somaliland and Mogadishu, but is nonetheless a group with important interests in maintaining open commercial trade down Puntland's main north-south highway to Galkayo and central Somalia. It is this commercial need for open roads and security which appears to have helped prompt the recent peace accord. The current economic boom in Bosaso is almost certain to raise the profile of the business community in the future.

The Diaspora. Because of its proximity to the Gulf states and Red Sea, the Mijerteen clan of Puntland has historically been more likely to relocate abroad as migrant labourers. This has produced a large diaspora community which has been active in sending remittances and in investing in businesses and real estate in Puntland.

External actors. Puntland's politics are heavily influenced by external actors. Chief among these is Ethiopia, which has maintained a long-standing patronage relationship with Abdullahi Yusuf and which seeks to ensure that no anti-Ethiopian polity emerges in Puntland. The TNG has periodically sought to interfere in Puntland's politics, by supporting Yusuf's rival Jama Ali Jama and by bringing several top Harti into positions in the TNG, but with little effect. Yemen is Puntland's primary external market and has a strong interest in reducing the flow of Somali refugees arriving by boat from Puntland. Finally, external aid agencies – UN agencies and western NGOs – command considerable influence in Puntland because of the resources they introduce in a poor economy. Yusuf accused Western aid agencies of having supported the opposition (a charge with some measure of truth) and blocked their return for several months in 2002.

3.4 Puntland: Key Issues

In general, Puntland appears to have passed through a period of turbulence and can now look ahead to a time of relative stability and economic growth. Several storm clouds remain on the horizon, however, which could produce strains on Puntland's politics or economy.

Outcome of the Mbagathi Talks. Puntland will be directly impacted by whatever outcome occurs in the Mbagathi peace talks. Should the power-sharing negotiations collapse, Abdullahi Yusuf will return to Puntland as its President and will seek to build the regional state up as a power base, in particular by soliciting maximum international aid and support for the state. A failed peace process would work in Puntland's favour from a strictly foreign aid perspective, as donor agencies would gravitate towards the one region of Somalia (excluding Somaliland) offering stability and a permissive environment for rehabilitation projects. Yusuf has hinted that he would seek to persuade the international community to enshrine Somali sovereignty in Puntland as a temporary measure rather than allow Somalia to go entirely unrepresented, though it is not clear that such an appeal would meet with international approval.

In the event that the Mbagathi talks succeed in producing an interim government, with Abdullahi Yusuf as President, Somalia would be immediately divided between the Mbagathi government and rejectionists in Mogadishu led by the TNG. That division would put

Puntland in the centre of the political arena in Somalia, as Yusuf would probably need to use Galkayo as a provisional capital. Were the Mbagathi government successful in winning widespread external recognition, Galkayo would become a busy centre of political activity. If the Haber Gedir Sa'ad were brought in to the new transitional government (presumably by being awarded the position of prime minister) Galkayo could well cease being a divided city with a green line separating the Sa'ad and Mijerteen quarters of the town. Conversely, a transitional government which fails to win Sa'ad support runs the risk of raising tensions in Galkayo to very dangerous levels.

Consolidation of Puntland Peace. Regardless of the outcome at Mbagathi, the newly brokered peace in Puntland will demand constant attention from the state's political leaders and clan elders. Spoilers in both the Yusuf camp and the opposition were unhappy with the accord, and have tried – so far with no success – to derail it. On the surface, prospects for consolidation of peace look good. Yusuf has a strong vested interest in maintaining the appearance of a united, peaceful Puntland to advance his own national political agenda, and will likely make concessions to the opposition if needed. For their part, the business community – which is largely concentrated in the coastal Osman Mahamud sub-clan – is profiting from increased commercial activity through the Bosaso port and is unlikely to support any opposition actions which threaten to disrupt that commerce. Yusuf must keep officials and the militia of the Puntland state content, however, by finding the resources to pay their salaries. That may require raising customs fees at the port, which would place him in direct conflict with business interests.

Sool and eastern Sanaag. The two regions of Sanaag and Sool are, in the words of a recent report, “one of the deepest faultlines in Somali politics”.⁴⁴ When Abdullahi Yusuf proposed that the Harti-inhabited areas of Sool and eastern Sanaag regions – which Somaliland claims as part of its territory – be included in the newly created state of Puntland in 1998, he did so for tactical reasons. Inclusion of the Dolbahante and Warsengeli clans gave him additional allies with which to outmanoeuvre rivals within his own Mijerteen clan. But the move has since been a very costly one for Puntland, as it places the state in direct and seemingly irrevocable conflict with its larger and more powerful neighbour, Somaliland. For the past several years, the dual status of eastern Sanaag and Sool as regions claimed by both Puntland and Somaliland has been allowed to fester without blowing up into direct armed clashes. But the two sides came close to armed conflict in late 2002, when Puntland militia attempted to assassinate Somaliland President Dahir Rayale while he visited Las Anod (the regional capital of Sool). The regions will continue to pose a nettlesome political problem for Puntland, which cannot give up its claim to the area without losing face, but which lacks the capacity to impose a functional administrative presence there. The Harti residents of Sool and eastern Sanaag are themselves badly divided in their loyalties, with some embracing Somaliland, others Puntland, and still others a Mogadishu-based government. At present, the contested areas of Sool and Sanaag feature “governors” and other officials from both Somaliland and Puntland, living in close proximity to one another. Were Abdullahi Yusuf to assume the position of president of a transitional government of Somalia, the two regions would take on even greater symbolic value and could become a flashpoint for conflict. Ethiopia has a strong interest in preventing Puntland and Somaliland from coming to blows over the two regions, but may not be in a position to prevent trouble there.

⁴⁴ International Crisis Group, *Somaliland...*, p. 30

Ethiopia. Ethiopia has been a strong supporter of Abdullahi Yusuf in particular and Puntland in general, mainly as a counterweight to Arab-backed political forces in Mogadishu. Should Yusuf assume the position of president of a transitional government, the relationship between him and Ethiopia can be expected to change, as their interests diverge. Yusuf will exercise more autonomy and seek to strengthen the transitional government perhaps past a point of comfort for Ethiopia. It is impossible to predict what direction this could take, but the relationship between Puntland's political elite and Ethiopia could be heading for a period of change.

Political succession. Abdullahi Yusuf is not young, and had to undergo a liver transplant in the mid-1990s. Though in good health today, it is entirely possible that he will either become too sick, weak, or incapacitated to govern at some point in the next five years, a scenario which would invite a political crisis over his successor.

Economic sustainability. The current Puntland economy is enjoying a robust recovery from the period of instability. That economy is based mainly on remittances and import-export trade through the port of Bosaso and along the trade corridor to Galkayo and into south-central Somalia. The Bosaso seaport is currently handling a greater volume of trade than ever before, thanks in part to problems at the Berbera seaport in Somaliland. Both remittances and the commercial trade appear to be relatively secure for the near to mid-term. Puntland's service economy – transport, telecommunications, hotels – also appears to be stable. But rural productivity remains a matter of deep concern. Rangeland in Puntland is under considerable stress from the harvesting of acacia trees, overgrazing, enclosures, and the privatization of water holes (*berkad*).⁴⁵ Puntland is increasingly a dual economy, with a rapidly growing urban commercial and service sector and an immiserized rural pastoral sector.

Humanitarian issues. Puntland has generally avoided extreme humanitarian crises over the past decade, but the area continues to pose a number of chronic humanitarian challenges. The declining fortunes of poorer pastoral households is one such instance of vulnerability. Because Puntland is a particularly arid part of Somalia, it is more prone to droughts, which place these pastoral households under even greater stress. Sool and Sanaag have been hit particularly hard by drought, and due to the political divisions noted above, are relatively inaccessible and non-permissive environments for international aid agencies. Another pressing humanitarian issue is the status of the growing number of IDPs and migrants arriving from southern Somalia in search of work. There are now an estimated 28,000 such IDPs in Bosaso alone.⁴⁶ Many of these migrants are from the weak Rahanweyn or Bantu groups in the south. They come to fill positions ranging from houseboys to construction workers, and in Bosaso live in sprawling shanty-towns which have been dangerously prone to catastrophic fires. Some travel to Bosaso in the hope of crossing by boat to Yemen to seek refugee status. These migrants are very vulnerable – they lack a social safety net, they compete for very low-paying jobs, they are viewed as undesirables by the local community (subject to beatings, robberies, and other harassment, especially if they compete with local labour or beg in the streets), and as “guests” they do not enjoy full legal rights and protection. They are unquestionably the most vulnerable social group in Puntland.

⁴⁵ War-torn Societies Project, Somali Programme, *Rebuilding Somalia: Issues and Possibilities for Puntland*, London: Haan Associates, 2001, ch. 4

⁴⁶ United Nations Children's Fund, *UNICEF Somalia Review July 2003*, 6 August 2003. p. 1, <http://www.unicef.org/somalia/inforsect/03Julrev.htm> [accessed August 2003]

3.5 Somaliland: Actors and Interests

Since its last period of armed conflict in 1996, Somaliland has taken a very promising political and economic trajectory. It is today one of the most politically open and democratic polities in the entire Horn of Africa. Apart from insecure areas in its eastern regions, it is undoubtedly the most law-abiding and safe area of Somalia. And though still quite poor, the Somaliland economy has enjoyed considerable success in trade and local investment, enough to attract migrant labourers from southern Somalia and Ethiopia. Today, Somaliland is at an important political crossroads, following a controversial and closely contested presidential election in spring 2003. The decisions and directions it takes in the coming year will either consolidate the country's experiment in democracy and constitutional rule, or push Somaliland toward political decay.

The most important political actors in Somaliland include the following:

The Somaliland government. Somaliland is currently the only zone of Somalia where a formal administration actually exercises a modicum of authority. To be sure, the Somaliland government is badly underfunded (it operates on a US\$20 million budget, of which 70 per cent is estimated to go toward salaries to militia) and possesses only limited capacity.⁴⁷ Its civil servants are paid only token salaries and hence only work part-time. Many of the ministries are hollow, with no staff beneath top officials to implement policies. But the government does maintain functional control over the national army; the police force and courts maintain public order; customs officials collect taxes at the port; the two houses of the legislature convene and debate bills; and at least some of the ministries are making serious attempts to play a constructive role in their assigned sector. Those ministries tend jealously to guard their prerogatives, placing them in competition and conflict with international aid agencies (which often resist working through the ministries, preferring to operate directly through local NGOs) and with local municipalities. Most of the municipalities have been poorly run, but some of the most effective and capable administrative units in Somaliland have been at the municipal level, where a handful of committed mayors have overseen major public works – housing, water systems, road repair, and other services. Rapid turnover and reassignment of top personnel at both the ministerial and municipal level has eroded efforts to institutionalize good governance. Where effective governance occurs, it is typically personality driven and hence short-lived. The Somaliland government has gradually extended its physical presence into eastern areas, and now is on the ground in about 80 per cent of the country.⁴⁸

Somaliland's political system invests considerable power in the presidency, and the President from 1993 until his death in May 2002, Mohamed Haji Ibrahim Egal, wielded most of the political authority in the country. Upon his death, Vice-President Dahir Rayale Kahin assumed the presidency. That peaceful, constitutional succession was a major political success for the fledgling state, especially because Rayale is a member of the small Gadabursi clan. Acceptance of a non-Isaaq president by the dominant Isaaq clan was a sign of political maturity which earned the administration considerable goodwill abroad. Rayale prevailed as the candidate of the incumbent Ururka Dimuqraadiga Ummadda Bahawday (UDUB – Democratic United Peoples' Movement) in presidential elections in spring 2003. Because of

⁴⁷ International Crisis Group, *Somaliland...*, p. 7; Academy for Peace and Development, *Consolidation and Decentralization of Government Institutions*, Hargeisa, July 2002, p. 59

⁴⁸ International Crisis Group, *Somaliland...*, p. 7

his weaker Gadabursi clan base, and because of his former position in Barre's hated National Security Service, it is not clear that Rayale will be in a position to wield presidential power as effectively as Egal. Most observers believe Rayale's tenure will be marked by a constrained presidency, though some warn against underestimating him.⁴⁹ In any event, the presidency remains the single most powerful position in the Somaliland administration.

UDUB. When Somaliland adopted a multi-party system as part of a constitutional referendum in May 2001, President Egal formed UDUB, which became the party of the government in power. As is typical of incumbent parties, UDUB enjoyed unfair advantages in the presidential election, including liberal use of government funds to promote the party. Its very narrow victory in 2003 (in which it won by only 80 votes) served notice that the party is not as strong as many believed. But by virtue of remaining the incumbent party, UDUB is guaranteed to remain a major political force. It does not have a well-defined platform; its campaign focused mainly on its experience in government, and its support base is mainly a combination of patronage and core support from the Haber Awal sub-clan of the Isaaq.

Opposition Parties. The advent of multi-party politics in Somaliland in 2001 gave birth to numerous political parties. Prior to 2001, Somaliland had operated on a unique *beel* system of proportional representation by clan in both the upper and lower houses of the parliament, a system which precluded party politics. Nine political organizations were formed to contest the first set of elections, for local councils, in December 2002. Of those, six met legal criteria for participation. They included the ruling party, UDUB; Kulmiye, led by the veteran SNM political figure Ahmed Mohamed Mohamud Silanyo; Hormood, led by Omar Arteh Qalib, formerly Foreign Minister in the Barre regime; Sahan, which presented itself as an Islamic party; UCID, the Party for Peace and Justice, which promised a progressive, Scandinavian-style welfare state and which drew on support from the 'Iidagele clan of its leader Faysal Ali Waraabe; and ASAD, a stridently anti-Egal party led by Suleyman Mohamed Aden Gaal. For the most part, the parties had few ideological differences, and were mainly personality driven. Each tended to be identified with a particular clan. The results of the local elections saw UDUB earn 41 per cent of the votes, an expected victory but one which put the ruling party in a minority position in a number of local councils. Kulmiye was second with 20 per cent of the votes, and UCID placed an unexpected third. According to the electoral law of the new constitution, only the top three parties were eligible to contest national elections, so that the remaining parties immediately dissolved after the December 2002 elections.⁵⁰ Subsequently, Kulmiye has emerged as the main opposition party. It narrowly lost the presidential elections in April 2003 and briefly protested the results before Silanyo was persuaded not to risk destabilizing the country over the election. As discussed below, a crucial issue for the future of the opposition parties today is the scheduling of parliamentary elections. Until that occurs, the opposition parties have no foot in parliament and run the risk of collapsing.

National Electoral Commission. To organize the local and presidential elections, a National Electoral Commission (NEC) was appointed. Comprised of seven commissioners, the NEC has faced extraordinary challenges in organizing polling stations, establishing electoral rules and procedures, training polling station monitors, printing ballots, and all the many other tasks associated with elections. In the presidential elections, the extremely narrow victory for the ruling UDUB party placed the NEC in the eye of a storm of controversy, and revealed that the inexperienced NEC had made numerous errors in handling the ballot boxes. When

⁴⁹ *Idem.*, p. 20

⁵⁰ *Idem.*, p. 18

dates for the parliamentary elections are announced, the NEC will again be at the centre of Somaliland electoral politics.

Traditional Leaders. As in Puntland, Somaliland's traditional leaders – clan elders and sheikhs – enjoy considerably greater levels of legitimacy and authority than in the south of Somalia. They were instrumental in brokering a peace in the immediate aftermath of the war of liberation in 1991, and were crucial in mediating the armed conflicts which broke out within the Isaaq clan in 1994 and 1996. The Borama Conference of 1993, which established a civil administration in Somaliland, institutionalized the role of the clan elders in formal government by creating an upper house in the parliament comprised entirely of traditional leaders. The *guurti*, as it is known, is responsible for maintaining peace and security, and serves also as a sort of supreme moral authority and ratifier of government laws.⁵¹ This fused style of western parliamentary democracy and traditional Somali political practice worked reasonably well over the past decade, though some critics charged that it allowed the government to co-opt clan elders, eroding their capacity to mediate conflicts in which the government itself was a party. It unquestionably gave the clan elders a much more routinized and direct role in matters of state. It is at this time not clear what role, if any, elders will have in an elected parliament.

Clans. Somaliland politics is very much dominated by competing clan interests. The numerically and politically dominant clan is the Isaaq, which is divided into rival sub-clans. The two major armed clashes in Somaliland in 1994 and 1996 were both intra-Isaaq affairs, pitting the Habar Awal (the clan of President Egal) against a rival Isaaq sub-clan, the Habar Garhajis, which populate Togdheere region and the important trading town of Burao, as well as the eastern portion of Hargeisa. In addition to enjoying political primacy in Somaliland, the Isaaq also monopolize the top positions in commerce, dominating the lucrative import-export trade out of Berbera. In order to maintain the legitimacy of Somaliland as a state and not merely a clan enclave, the Isaaq have had to ensure the participation of non-Isaaq clans. This has worked to the advantage of the Gadabursi clan, which populates Awdal region in western Somaliland; the Gadabursi were allocated the position of vice-president, which gave them the presidency upon Egal's death. To the east, the Dolbahante and Warsengeli clans in Sool and Sanaag are by all accounts greater in number than the Gadabursi and resent having been relegated to third tier status in Somaliland politics. As noted earlier, the Warsengeli and Dolbahante are badly divided internally over allegiance to Somaliland, Puntland, or to the TNG in Mogadishu, and will likely remain divided over political affiliation for some time to come. Finally, the Issa clan inhabits the coastal portion of Awdal region. The Issa have historically been stakeholders mainly in Djibouti politics, which they dominate, but also seek representation and rights in Somaliland. There are members of other Somali clans who reside in Somaliland – spouses, migrant labourers, and others – but Somaliland considers only the Isaaq, Gadabursi, Issa, Warsengeli, and Dolbahante to be “indigenous” clans. All others are considered foreign guests, with citizenship in Somalia, even if some have lived their entire lives in Somaliland.

Civil society. Civil society groups in Somaliland are relatively robust. Local NGOs have formed consortia better to coordinate activities, human rights groups are active, self-help groups have funded local libraries and hospitals, and a local think-tank, the Academy for

⁵¹ *Idem.*, p. 10; Academy for Peace and Development, *Consolidation and Decentralization...*, pp. 29-43

Peace and Development, has played an important role in advancing public dialogue about democratization.⁵²

Businessmen. A small group of affluent Isaaq businessmen, most of whom had residence in Djibouti and who thus had access to letters of credit from Djibouti-based banks, were instrumental in supporting President Egal and the nascent Somaliland government in the mid-1990s. In return for their support, these businessmen were given tax exemptions.⁵³ Today, the circle of top businessmen in Somaliland has expanded beyond livestock traders to include remittance company owners, hoteliers, and other investors. In general, this group has avoided direct involvement in politics (in contrast to their counterparts in Mogadishu) but they nonetheless enjoy a measure of influence in Somaliland affairs. The current government is raising customs at the seaport, leading to political tensions with the traders, who claim that Berbera is no longer a profitable route for the import-export trade.

External actors. Because no state to date has been willing to recognize Somaliland's claim to sovereign independence, Somaliland has been forced to forge ahead with only minimal external assistance. Foreign aid to Somaliland has increased in recent years, but still is only a fraction of the amount of remittances (US\$200 million) and export earnings (US\$175 million when livestock is not banned by the Saudis) generated by Somaliland.⁵⁴ Ethiopia has been a quiet partner to Somaliland, channeling some of its imports through Berbera and cooperating informally with the administration on shared security and other matters. Djibouti views Somaliland as a potential rival – an alternative seaport for the Ethiopians – and at times relations between Somaliland and Djibouti have been poor, especially when Djibouti supported the TNG. The Saudis have proved to be Somaliland's least helpful neighbours; they have imposed an extended ban on Somali livestock, devastating the Somaliland livestock and export sectors, and along with Egypt are adamant supporters of the territorial integrity and unity of Somalia. Somaliland's relations with the UN have at times been frosty, as the UN's position on the sovereignty and territorial integrity of Somalia works against Somaliland's aspirations for independence.

3.6 Somaliland: Key Issues

Recognition. The Somaliland government devotes much of its energy to arguing its case for sovereign independence to the international community, and that will continue in the future. Those arguments have fallen on deaf ears in the past decade. Recently, however, Somaliland's case has begun to get a more sympathetic hearing. This is so for a number of reasons. First, Western states are interested in shoring up a reliable partner in the war on terrorism in the Horn of Africa. Second, the international community is increasingly disillusioned with failed efforts to revive a central government in Somalia. Third, Somaliland's political stock has clearly risen after having achieved a peaceful, constitutional succession in 2002, managed a closely contested election without political crisis in 2003, and sustained a stable, lawful political environment in a tough neighbourhood since 1996. It is unlikely that this subtle shift in international perception of Somaliland will result in recognition, but it is quite possible that steps short of recognition, such as observer status for Somaliland in the UN, AU or IGAD (Inter-Governmental Authority on Development) could

⁵² Bradbury, M., *Building Partnerships for Peace and Development: Report of a Workshop Held in Borama, Somaliland, 9-12th December 1996*, London: Catholic Institute for International Relations, 1997

⁵³ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 153

⁵⁴ International Crisis Group, *Somaliland...*, p. 7

be entertained.⁵⁵ Somaliland's prospects for recognition are inversely related to the fortunes of the rest of Somalia; the longer the political impasse continues in Mogadishu, the more attractive the idea of rewarding Somaliland for its political achievements becomes.

Completion of Legislative Elections/Status of Opposition. Somaliland faces a significant political challenge in the aftermath of the controversial April 2003 elections, which left the country divided and disillusioned. One key issue which will dominate Somaliland affairs is the holding of parliamentary elections. At present, the elections have yet to be called, and the sitting parliament has granted itself a lengthy extension – two years for the lower house, three years for the upper house. But the current parliament is unelected and predominantly pro-UDUB. In the absence of a parliamentary election which will allow opposition parties to take at least a portion – and perhaps even a majority – of legislative seats, the opposition parties have no post-election political platform, which temporarily turns Somaliland into something akin to a one-party state.⁵⁶ In order for parliamentary elections to be held, however, a series of laws and electoral procedures must be passed, including an accord on the number of parliamentarians elected per region; demarcation of district and regional boundaries must be finalized; and electoral procedures need to be improved, including, some contend, voter registration. At present, there is a tentative consensus in Somaliland that legislative elections will be held in April or May of 2004.⁵⁷ Somaliland cannot afford controversy, mismanagement, or allegations of fraud in these elections.

Consolidation of Democracy/Governance. The flawed and controversial presidential elections exposed a number of internal problems hindering consolidation of democracy and good governance in Somaliland, including, in the words of a recent report, “a winner-takes-all style of political leadership, manipulation of clan loyalties for political purposes, and a brazen disregard for the rule of law”.⁵⁸ The elections were, in some ways, a setback rather than victory for democracy. Political energies in the short term will, or should, be devoted to repairing the damage caused by the election, strengthening the administrative capacity of the state, and curbing the autocratic tendency of the ruling party to restrict freedom of the press and use the law as a weapon against political opponents. International aid programmes will advance this agenda by continuing to place a strong emphasis on good governance projects.

Economic Performance. Recent economic reports out of Somaliland paint a worrisome picture of a previously healthy economy now deteriorating. Hyperinflation has hit the Somaliland currency, eroding the savings and purchasing power of the poor, and import-export trade has declined sharply at Berbera port. The ongoing Saudi livestock ban is partially to blame for low exports, but the more immediate problem is increases in customs fees which are making trade out of Berbera uneconomic. Some Somaliland traders are now importing and exporting out of Bosaso port instead. If the economic situation in Somaliland is not corrected, it will soon create a budget crisis for the government and lead to secondary problems such as a rise in criminality.

⁵⁵ *Idem.*, pp. ii-iii; Shinn, D., Somaliland: The Little Country that Could, *CSIS Africa Notes*, No. 9, 2002; Bryden, M. The Banana Test: Is Somaliland Ready for Recognition? *Les Annales d’Ethiopie*, Vol. 9, fc July/August 2003

⁵⁶ International Crisis Group, *Somaliland...*, pp. 31-2.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

Sool and Sanaag. As discussed above (see **3.4: Puntland: Key Issues**), Sool and eastern Sanaag remain potentially dangerous flashpoints between Somaliland and Puntland. Somaliland has been making consistent efforts to draw the Warsengeli and Dolbahante into Somaliland, but the regions are certain to remain contested areas for the foreseeable future.

Humanitarian issues. Somaliland is less susceptible to widespread humanitarian emergencies than the rest of Somalia. Drought can and periodically does impact the pastoral communities, especially in the more arid eastern regions, and the prolonged livestock export ban has eroded the purchasing power and food security of poor pastoral households. Somaliland occasionally serves as host to migrants and refugees from eastern Ethiopia seeking respite from drought conditions there. The most vulnerable groups in Somaliland are the large communities of migrants from southern Somalia, who have come in the hope of finding employment, and repatriated refugees, who return to a relatively weak economy and limited employment opportunities (see **5.7: Repatriation Efforts: Status of and Issues Related to Returnees**).

4 Human Rights

Efforts to protect and promote human rights are pursued in an unusual context in Somalia. First, the prolonged absence of a functional, recognized central government creates a unique challenge, in that the standard responsible political authority for upholding human rights law is absent from the scene. Ironically, the state in Somalia up to 1991 had been the principal source of violation of human rights.⁵⁹ In the absence of a national government, de facto local authorities are held accountable for protection of human rights in areas they control. As the UN independent expert on the situation of human rights in Somalia has consistently argued, this responsibility is invested in local authorities and all parties to the conflict by way of international humanitarian law, as defined in the 1949 Geneva conventions.⁶⁰ It is not clear, however, that all local authorities and parties to armed conflicts are aware of these international conventions or are convinced that they bear such responsibility. Whether local authorities possess the capacity to enforce justice when human rights have been violated by militia or other citizens is also a matter of debate, and tends to vary from case to case.

Second, local customary law (*xeer*) – which is the principal source of conflict management, conflict prevention, and justice in Somalia – occasionally conflicts with universal human rights conventions. Physical protection from assault, rape, or murder, for instance, is afforded to those who enjoy membership in a sufficiently powerful clan, not to the population at large via an impartial judicial system. Women’s rights in customary law and Islamic jurisprudence are also not upheld to a level consistent with international human rights standards. Crimes which violate human rights are addressed not as a matter of individual culpability, but rather as a matter of collective responsibility, with blood payments from the accused’s *diya* or blood compensation group negotiated with the family of the victim. Where blood compensation negotiations break down, the traditional response is a revenge attack, an act which can precipitate a cycle of violence and which targets innocent victims. In addition, increased reliance on *sharia* courts as a complement to traditional customs has introduced processes and punishments which violate international human rights norms and standards. The tension

⁵⁹ United Nations Development Programme, *Somalia Human Development Report 2001*, pp. 162-6; Africa Watch, *Somalia: A Government at War with Its Own People*, New York: Africa Watch, January 1990

⁶⁰ United Nations, Commission on Human Rights, Report of the Special Rapporteur, Submitted in Accordance with Commission on Human Rights Resolution 1998/59, E/CN.4/1999/103, 18 February 1999

between universal human rights codes and some Somali customary practices is an insufficiently appreciated problem.

Third, Somalia's extraordinary levels of poverty and underdevelopment constitute a human rights challenge in their own right. The 1993 UN World Conference on Human Rights concluded that "the right to development is an inalienable human right and part of fundamental freedoms", advancing the notion that profound levels of underdevelopment are themselves a human rights catastrophe.⁶¹ Focusing both local and international attention on the deep levels of poverty, illiteracy, and malnutrition in Somalia constitutes an additional issue on Somalia's human rights agenda.

Some progress has been made since the early 1990s, but human rights violations remain endemic and very serious in Somalia. Human rights violations in contemporary Somalia tend to fall in one of several categories: violations of the rules of armed combat, including the rules of armed occupation; human rights violations perpetrated by criminals which go unaddressed by local authorities; human rights violations perpetrated by political authorities themselves.

4.1 Inventory of Violations

4.1.1 War Crimes

Armed conflicts continue to produce some of the worst human rights abuses in Somalia. In the early 1990s, these crimes reached horrific levels, producing famines which claimed a quarter of a million lives and which themselves constituted a massive human rights violation. Today, human rights violations in armed conflict continues to be a serious problem. The following have been of special concern to human rights monitors.

Targeting of civilians - arbitrary or unlawful deprivation of life. Tens of thousands of Somalis have died in factional and militia fighting over the past decade. Many have been civilians, a pattern which continues in the somewhat more limited armed clashes today. The problem is especially acute in south-central Somalia, where the Isma'il Jimale Human Rights Centre documented 530 civilian deaths in armed conflicts between July 2002 and June 2003.⁶² Most of these occurred in conflicts in Baidoa, Middle Shabelle, Mogadishu, Puntland, and south Mudug.⁶³ Recent pastoral conflicts in south Mudug, for example, have claimed an unusually high number of lives for a dispute over rangeland – 43 dead and 90 injured – most of whom were civilians.⁶⁴ Likewise, intra-factional fighting in Baidoa in mid-2002 claimed the lives of over 100 people, wounding 200 more.⁶⁵ Militia make no distinction between combatants and civilians, simply targeting all members of an opposing clan or sub-clan. Entire villages are sometimes attacked simply on the basis of clan or ethnic affiliation. Militia

⁶¹ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 160

⁶² United Nations Integrated Regional Information Network, Rights Group Reports Increase in Abuses, Nairobi, 23 July 2003

⁶³ United Nations, Commission on Human Rights, Report of the Independent Expert, Mr. Ghanim Alnajjar, Submitted in Accordance with Commission on Human Rights Resolution 2002/88, ECOSOC W/CN.4/2003/115, 31 December 2002, para.13-20

⁶⁴ United Nations Office for the Coordination of Humanitarian Affairs, *Somalia Humanitarian Situation Report*, Nairobi, 30 July 2003, pp. 9-10

⁶⁵ United Nations, Commission on Human Rights, Report of the Independent Expert, Mr. Ghanim Alnajjar..., para.16

also are often guilty of indiscriminate firing of weapons, including mortars and other heavy weaponry, into neighbourhoods where civilians are the principal casualties.⁶⁶ Whether intentional or unintentional, the deaths of hundreds of civilians each year in armed clashes constitutes an enduring human right crisis.

Rape. Though not as endemic as in the period 1991-1992, rape continues to be used as a weapon against enemy clans or sub-clans during armed clashes. In June 2003, for instance, clashes between the militia of rival RRA leaders Shatigaduud and Habsade degenerated into a series of reprisals involving abduction and rape of young girls.⁶⁷

Looting and destruction of property. Villages and occasionally neighbourhoods are often intentionally sacked and burned as part of armed clashes. Armed conflicts in the Medina district of Mogadishu in 2003, between the militias of Omar Finnish and Musa Sude, culminated in one of the most severe episodes of urban looting in several years. The serious armed clash between the RRA and Haber Gedir militia in Bay region in 1999 featured a virtual scorched earth policy against Rahanweyn villages by retreating Haber Gedir militia. Clashes between the Aulihan and Bartirre clans in Middle Jubba in 2003 also led to entire villages being burned. Such pillaging exacerbates household food insecurity and can contribute indirectly to needless deaths due to malnutrition and disease.

Intentional displacement of civilians. The intentional displacement of civilians is, as the UN independent expert on human rights in Somalia has repeatedly warned, a war crime.⁶⁸ Somalia has been the scene of massive displacement, sometimes orchestrated as part of ethnic cleansing of contested and valuable neighbourhoods and agricultural land. Almost no region of south-central Somalia is immune to this problem. Most of the displacement in Somalia occurred in 1991-1992 and remains unresolved, but new episodes have flared up in recent years in Kismayo, Middle Shabelle region, Middle Jubba region, Gedo region, and Baidoa. IDPs are among the most vulnerable of all social groups in Somalia, much more likely to suffer from malnutrition and other life-threatening conditions.

Illegal occupation. Clan militias have come to occupy important pieces of real estate in Mogadishu and parts of south Somalia. In contravention of the Geneva conventions, these valuable lands are being settled by the victorious clans at the expense of weaker clans, who have been pushed off their land, evicted from their houses, or in some instances conscripted as forced labour on the land they once owned. This has been a particular problem in parts of the Lower Shabelle and throughout the Jubba valley. In several locations such as Kismayo and Mogadishu occupying militia also restrict the movement of IDPs in camps which the militia control. IDPs may not return home, as the militia use the IDPs as bait for foreign assistance which they then divert.

Child soldiering. Militias routinely recruit boys as young as 12 to fight. In January 2003, the UN Security Council adopted a resolution which called on parties to conflicts in several countries, including Somalia, to provide information on steps they have taken to end

⁶⁶ United Nations, Commission on Human Rights, Report of the Special Rapporteur... para. 46

⁶⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Somalia Humanitarian Situation...*, pp. 5-6

⁶⁸ United Nations, Commission on Human Rights, Report of the Special Rapporteur, para. 48

recruitment of child soldiers; a progress report by the Secretary-General will be issued in October 2003.⁶⁹

Impunity. In almost no instance have commanders and local authorities taken action against the militias responsible for these human rights violations.⁷⁰ This includes instances of abuses by members of the militias of self-declared regional or national authorities such as the TNG and Puntland.

4.1.2 Criminal Violations of Human Rights

The distinction between militia and criminal activity in Somalia is very difficult to make, as warfare itself is an enterprise for looting and as armed conflict is increasingly linked to retaliation against criminal acts. Still, there are numerous instances in which crimes committed by “civilians” – be they criminals or unpaid militia engaging in criminal acts – are generating serious human rights crises. Certain types of crimes which qualify as human rights violations, such as murder, generally are addressed via blood payment or *sharia* courts. But some violations go almost entirely unpunished. In the case of the crimes listed below, perpetrators are rarely held accountable by local authorities:

Kidnapping. Kidnapping for ransom has become one of the most serious crimes in Mogadishu, affecting both rich and poor. A total of 185 abductions were recorded between July 2002 and June 2003.⁷¹ In some instances, the kidnapping is conducted by militias known to be associated with local warlords, who reportedly profit from the enterprise. In Puntland, a related problem has been piracy, in which foreign crews are held for ransom by militia equipped with armed speedboats. Those militia are in some instances linked to the Puntland administration.

Rape. In addition to the use of rape as a weapon in wartime, criminal gangs and roaming militias are committing this crime with near impunity. They target women in socially weak and vulnerable groups, which pose little to no threat of retaliation. This has been a particular human rights crisis for female IDPs in Mogadishu, Kismayo, and Bosaso, and is also a major crisis for female Somali refugees in the Kenyan refugee camps at Dabaad, where they are targeted by Somali bandits and, to a lesser extent, Kenyan police.⁷² UNHCR documented 100 cases of rape at Dabaab in a six month period of 2002 but estimated the actual number was ten times higher.⁷³

Female genital mutilation. More than 95 per cent of Somali women undergo female genital mutilation, the vast majority of which constitute the most severe “pharaonic” form.⁷⁴ Though many local religious authorities have publicly stated that the practice has no basis in the Koran and should be stopped, no efforts by local authorities have been taken to prevent this human rights abuse.

⁶⁹ Human Rights Watch, UN Spotlights Child Soldiers, 30 January 2003 (press statement)

⁷⁰ United States, Department of State, *Country Reports on Human Rights Practices, 2002: Somalia*, Washington DC, 31 March 2003

⁷¹ United Nations Integrated Regional Information Network, Rights Group Reports...

⁷² United States, Department of State, *Country Reports...*, p. 6; Human Rights Watch, *Hidden in Plain View: Refugees without Protection in Nairobi and Kampala*, New York: Human Rights Watch, November 2002

⁷³ United States, Department of State, *Country Reports...*, p. 6.

⁷⁴ United Nations, Commission on Human Rights, Report of the Special Rapporteur..., para. 75

Discrimination against minorities. Though presented as a homogeneous society, Somalia features a number of low-status and minority groups which are frequently subject to abuse and exploitation. The Somali Bantu population is now the best known of these minorities; representing about 5 per cent of the total population, the Bantu are prone to theft of their land, rape, forced labour, and a range of discriminatory behaviour. Minority and low status groups such as the Bantu are afforded little protection under customary clan law and have virtually no recourse to a system of justice when victimized.⁷⁵ Those who do bring complaints to clan, legal, or religious authorities place themselves at great risk of intimidation and assault.

4.1.3 Violations Committed by Local Authorities

Where some level of formal administration has been established – most notably in Somaliland, to a lesser extent in Puntland, the TNG, the Jubba Valley Authority, and elsewhere – those local, regional, or national administrations are themselves sometimes the source of human rights violations. In the past two years, some of these polities have been accused by human rights groups of several kinds of human rights infractions:

Arbitrary or unlawful deprivation of life. Police or public security forces paid by and affiliated with local administrations have in a number of cases used lethal force against civilians without just cause. In Puntland in 2002, for example, the security forces of Abdullahi Yusuf stopped the car of a prominent opposition elder and killed him. In 2000, Puntland security forces shot into a crowd of protesters, killing one and wounding nine.⁷⁶ In the Mogadishu area, the TNG security forces have been accused of using lethal force to stop vehicles transporting civilians.⁷⁷

Arbitrary arrest and detention. All three of the largest formal administrations in Somalia – Somaliland, Puntland, and the TNG – have been accused of using arrests and detention as a weapon against political opponents. Since 2001, the worst instances of this practice have been in Puntland. Hundreds of Jama Ali Jama supporters were imprisoned and later released by Abdullahi Yusuf's forces in Puntland in 2002-2003. Yusuf's security forces have also arrested Muslim preachers at a religious gathering, as well as several human rights advocates.⁷⁸ Somaliland authorities detained a number of individuals who attended the Arte peace talks in 2000, in one instance charging a respected elder with treason. Journalists in Mogadishu, Hargeisa, and Puntland have been detained and imprisoned for stories critical of local authorities.

Restrictions on civil liberties. The print and radio media are very active throughout urban areas of Somalia, but have come under periodic harassment from local authorities. The most common form of government interference is arrest of journalists and editors linked to unfavourable stories. In Puntland, Yusuf's administration closed a privately owned radio and television station in 2002 because of its support for his rival Jama Ali Jama; in Hargeisa, Somaliland authorities banned all private radio stations in 2002. Freedom of assembly is not guaranteed throughout the country; in Mogadishu the TNG banned all demonstrations though

⁷⁵ Narbeth, p. 35

⁷⁶ United Nations, Commission on Human Rights, The Situation of Human Rights in Somalia, E/CN.4/2001/105, 13 March 2001, para. 13-15

⁷⁷ United States, Department of State, *Country Reports...*, p. 3

⁷⁸ *Idem.*, p. 7

with little effect, while in Puntland the Yusuf administration has banned all political parties. Freedom of association has been respected in Somaliland.

Denial of due process – irregular judicial process. Human rights monitors have expressed deep concern over the state of judicial processes throughout Somalia. These concerns include criticism of the multiplicity of contradictory laws on which various judicial authorities claim to base rulings; the lack of legal training of many judges; and the lack of legal authority and accountability of local *sharia* courts which administer justice in many areas.⁷⁹

Torture, cruel and inhumane punishment. Human rights groups have been especially vocal about the use of inhumane punishments, including amputation, flogging, and execution, by *sharia* courts. In practice, these *sharia* punishments have decreased in frequency in Somalia, but still occasionally occur.

Prison conditions. Inspections of government prisons have revealed harsh and unacceptable conditions, especially in prisons in Mogadishu and Puntland. Prisons are overcrowded, unsanitary, and life-threatening; juveniles are mixed with adults, including boys sent to the prison by parents for disobedience.⁸⁰

4.2 Groups at Risk

The chronic and widespread level of underdevelopment and insecurity in Somalia – especially south-central Somalia – places a large portion of the population at risk. But some sections of the population are especially vulnerable to human rights abuses, while others are relatively shielded. Clan affiliation, socio-economic standing, location, and gender are among the most important factors determining one's level of risk. A wealthy male from a strong clan in a relatively safe neighbourhood or region is at much lower risk of human rights abuses than is a poor, displaced female from a weak clan, living in a zone of high conflict and crime. The exception to this rule is kidnapping, which tends to target middle class or affluent individuals whose families can pay a ransom.

Internally Displaced Persons (IDPs): There is universal agreement among international agencies and Somali human rights activists that IDPs constitute the group of the Somali population that is most vulnerable to serious human rights abuses. “One of the most important coping mechanisms in Somalia continues to be the social support mechanisms through which relatives and friends assist one another in times of need”, observes a recent Food Security Assessment Unit report. “[D]isplaced households are separated from their social support.”⁸¹ At present, the total number of IDPs in Somalia is estimated at about 350,000, or about 5 per cent of the population, down from a wartime high in 1992 of as many as 1.6 million.⁸² In some locations, IDPs are increasingly difficult to distinguish from economic migrants – where they enjoy freedom of movement, some IDPs are moving seasonally between their rural farms and their urban settlements, in an effort to maximize economic opportunities. Though no major wave of new IDPs has occurred since 1999,

⁷⁹ United Nations, Commission on Human Rights, *The Situation of Human Rights...*, para. 60-73

⁸⁰ United States, Department of State, *Country Reports...*, p. 6

⁸¹ Food Security Assessment Unit, *Monthly Nutrition Update for Somalia July 2003*, Nairobi, 11 July 2003, p.1, http://www.unsomalia.net/FSAU/nutrition_updates.htm [accessed August 2003]

⁸² United Nations Coordination Unit, *A Report on Internally Displaced Persons*, p. i; United Nations Development Programme, *Somalia Human Development Report 2001*, pp. 60-1

chronic insecurity, predation, and depressed economic conditions in rural areas are producing a significant rural-urban drift. According to one report, IDPs constitute half of the estimated 750,000 Somalis who live in a state of chronic humanitarian need.⁸³ They are especially vulnerable as a group for several reasons: most are from weak, minority, agricultural clans, and hence easily abused with impunity; nearly all are “guests” (*galti*) in territory dominated by larger clans, affording them less protection (in some places, such as Somaliland, IDPs from south-central Somalia are seen as “foreigners” with no legal rights or claims); all are destitute and survive on short-term wage labour and periodic infusions of humanitarian aid; and most reside in camps which are controlled by “camp managers”, militiamen who restrict their movement and can deny access to the IDPs by outside observers, and who divert assistance away from the IDPs. IDPs are subject to the full range of human rights abuses enumerated above.

Minorities/Weak Clans: As noted above, members of politically weak clans – minority groups (Bantu), low status clans (Yibir, Tumul, Midgaan), and clans residing in areas where they are badly outnumbered or outgunned – are not able to call upon their clan for protection, and hence are vulnerable to predatory or abusive acts by criminals and militia with little hope of protection by the law. A report on human rights abuses by the Mogadishu-based Isma’il Jimale Human Rights Centre in 2003 concludes that most of the victims were from minority groups “who have no clan affiliations as protection”.⁸⁴

Women: A disproportionate percentage of human rights violations are perpetrated against women. Women’s ability to secure full and equal protection before the law is restricted in the practice of *sharia* courts, which now dominate much of what counts as a judicial system in Somalia, as well as in traditional clan law (*xeer*).⁸⁵

Children: Children in contemporary Somalia face a range of human rights threats, and have been the subject of considerable local and international advocacy. Somali children are victims of violence, both in armed conflict and criminal acts, including rape – 14 per cent of children living within a non-biological home report being sexually harassed. UNICEF reports that five per cent of Somali children have been involved in militia activities, with the average age of child enlistment at 12.4 years of age. Two per cent of Somali children presently live on the street, where they are subjected to some of the worst abuses and poverty. Children in IDP households are much more likely to be malnourished.⁸⁶

Refugees: Over one million Somalis crossed an international border to escape from the war and famine of 1991-1992. Today, about 300,000 Somalis are registered refugees in Kenya, Yemen, Ethiopia, or Djibouti. As discussed below, many more choose to live illegally in the urban centres of neighbouring states or attempt to enter third countries in Europe, North America and elsewhere. Both the Somali refugees in camps and those living in urban areas are subject to a wide range of human rights abuses. Kenya’s refugee camps are notorious for human rights violations ranging from rape to extortion and other abuses. Those who flee the

⁸³ United Nations Coordination Unit, *A Report on Internally Displaced Persons...*, p. i

⁸⁴ United Nations Integrated Regional Information Network, Rights Group Reports...

⁸⁵ Amnesty International and International Cooperation for Development, *Human Rights in Somaliland: Awareness and Action. Report of a Workshop Held in Hargeisa, Somaliland*, London: Amnesty International, 1999, p. 36-8

⁸⁶ Baron, N. and Jensen, S. Ensuring the Protection of the Maato: UNICEF Child Protection Survey 2003, Nairobi, June 2003 (unpublished draft)

camps and seek shelter in urban areas such as Nairobi are easily victimized by police and others exploiting their illegal status (see **5.2: Refugee Movement into and Status in Kenya**).⁸⁷

4.3 Local and International Response

Most observers concur that both Somali leaders and the international community were initially slow to acknowledge human rights concerns in the 1990s. International agencies were generally too preoccupied with delivery of emergency relief to address broader human rights concerns, even when their own operations were closely linked to militias which committed human rights violations, and international diplomats were focused principally on brokering a deal between faction leaders and warlords, not on holding them accountable for war crimes. Indeed, the human rights agenda was viewed in some quarters as a threat to reconciliation – if warlords sensed they would be held accountable for war crimes, they would likely play the role of spoiler. As threats against and attacks on international relief agencies increased in the mid-1990s, the Somalia Aid Coordination Body (SACB) issued a Code of Conduct in 1995 which held local authorities responsible for ensuring a safe and secure environment as a precondition for rehabilitation aid. When Islamic courts took that as green light to employ strict *sharia* punishments such as amputations and stonings to deter crime, the SACB hastily appended a criterion to its Code of Conduct, stating that the maintenance of a secure environment could not be achieved via human rights violations.⁸⁸

Since the mid-1990s, human rights have gained considerable ground as an agenda both of Somali and external actors. The UN has appointed an independent expert on human rights to monitor and assess human rights in Somalia each year since 1994. UN development agencies and international NGOs have increasingly embraced a “rights-based” approach to post-conflict development in Somalia.⁸⁹ Major international human rights groups have continued to report on Somalia’s human rights situation, pressing the UN Security Council for action on issues ranging from child soldiering to landmines to enforcement of the arms embargo, and criticizing Somali authorities for human rights violations. In 2002-2003, the UN commissioned a Panel of Experts to investigate violations of the 1992 arms embargo on Somalia; the panel’s work has detailed specific instances of violations and is raising awareness in Somalia of the potential for punitive action against Somali flouting international humanitarian law and Security Council resolutions.⁹⁰ In the past three years, both external and internal figures have raised the issue of accountability for war crimes in Somalia; that agenda appears to have considerable momentum and is likely to become a major human rights issue in Somalia in the coming years. Most recently, Amnesty International called on delegates at the Mbagathi peace talks not to consider a general amnesty for war crimes, but instead to develop options which hold perpetrators accountable.⁹¹

Within Somalia, a number of local human rights organizations operate and are in some instances playing an important role in pressuring local authorities to respect and protect

⁸⁷ Human Rights Watch, *Hidden in Plain View*, pp. 36-54

⁸⁸ Somalia Aid Coordination Body, *SACB Handbook 2003*, Nairobi, 2003, pp. 12-14, http://www.sacb.info/main_SACB%20Handbook.htm [accessed August 2003]

⁸⁹ United Nations Development Programme, *Somalia Human Development Report 2001*, ch. 4

⁹⁰ Hogendoorn, J., M’Backe, M., and Mugaas, B., Report of the Panel of Experts on Somalia Pursuant to Security Council Resolution 1425 (2002), S/2003/223, 25 March 2003

⁹¹ Amnesty International, *Somalia: No Lasting Peace Without Human Rights*, London 2002

human rights. The Dr. Ismael Jumale Human Rights Centre is the best known of these groups. All of these groups have been subjected to threats and intimidation for their reporting on the human rights record of militia and political figures. At a broader level, Somali civil society groups are increasingly vocal about human rights issues. Over the past three years, numerous street demonstrations and strikes by medical or educational personnel have been held in response to human rights violations.

5 Refugee Movement and Status

At the height of the Somali crisis in 1991-1992, over one million Somalis fled the war and famine to seek refugee status in neighbouring countries. Kenya and Ethiopia hosted the majority of these refugees, but Yemen, Djibouti, and Tanzania were also major destinations for Somali refugees. Most Somalis fled by foot; others took dangerous boats to reach Yemen, Kenya, and Tanzania. Somalis with family connections or means managed to resettle in third countries, and now form part of the enormous Somali diaspora scattered from Australia to Sweden to Canada. A total of 465,751 Somali refugees have since been repatriated, of which about half (214,302) have returned to Somaliland.⁹² There remain about 400,000 Somali refugees worldwide, of which 144,129 are registered in Kenya, 67,433 in Yemen, and 37,498 in Ethiopia.⁹³ Many tens of thousands more Somalis reside in neighbouring countries illegally, preferring to live beyond the law in urban areas rather than in often crime-ridden and remote refugee camps.

5.1 Patterns of Displacement since 1995

In general, population displacement has occurred on a smaller scale and at the local or regional level since 1995. In a few cases, this was due to an outbreak of serious armed conflict. In Bay region in 1999, for instance, clashes between the Haber Gedir militia of Hussein Aideed and the RRA produced widespread displacement, as did intra-Rahanweyn conflicts in the same area in 2002-2003. Intra-Marehan clashes in Gedo region since 1999 have led to thousands of people crossing into Mandera in Kenya for safety. Recent fighting in Buaale, Middle Jubba, has also produced significant internal displacement. In addition, localized drought or flood conditions have led to significant displacement since 1995. The El Niño floods of 1997-1998, followed by severe drought in parts of Somalia, forced households in Gedo region and elsewhere to relocate for safety or in search of emergency assistance.

Displacement across international borders has been relatively low since 1995. Almost no Somalis have sought refuge in Ethiopia or Djibouti in recent years; instead, refugee populations in those two locations have preferred voluntary repatriation back in Somalia. Refugee flows have occurred from Gedo region into Kenya (triggered by combinations of insecurity, floods, and drought) and Middle and Lower Jubba (triggered mainly by insecurity). Only in the year 2001 did this influx of refugees actually increase the total number of Somali refugees in Kenya; otherwise, the number of Somali refugees in Kenya has gradually dropped through spontaneous and voluntary assisted repatriation.

The major exception to this trend is refugee flows to Yemen. There, the total number of Somali refugees continues to climb, from 37,439 in 1997 to 67,433 in 2002.⁹⁴ Reasons for

⁹² United Nations High Commissioner for Refugees, *Estimated Number of Returns of Somali Refugees by Country of Asylum (1990-2002)*, Nairobi, 2002 (mimeo)

⁹³ *Ibid.*

⁹⁴ *Ibid.*

this trend in Yemen are explained below in section **5.3: Refugee Movement into and Status in Yemen**.

Another general factor affecting refugee movements is the evolution of household strategies and refugee camps. Over time, households in the Jubba regions have tended to keep dependents in the camps, where they have access to food, shelter, and free, basic health and education facilities (better than what is available in southern Somalia) while adult males either return to Somalia to rebuild herds or cultivate farms, or in some instances relocate to Nairobi in search of employment.⁹⁵ Until three of the five refugee camps in northern Ethiopia were closed, Somali households from Somaliland used this strategy to great effect, moving freely to and from the camps as circumstances dictated, and maintaining profitable small businesses in what became a major trade centre.⁹⁶

An important factor affecting current Somali refugee flows into neighbouring countries is the increased restrictions on asylum seekers in third countries. Somalis can no longer easily use Kenya and Yemen as transit points from which to travel to Europe, North America, and the Gulf states. Restrictions on cross-border travel have also grown as a result of increased security measures in the wake of the September 2001 attacks. Ethiopia now monitors and restricts movements across its Somali border much more aggressively, and Kenya, despite serious problems involving bribery of customs and immigration officials, is tightening up on movement of Somalis into the country by light aircraft.

5.2 Refugee Movement into and Status in Kenya

As noted above, Kenya continues to host the largest single group of Somali refugees, numbering 144,129 persons at the end of 2002.⁹⁷ Only small numbers of new Somali refugees have entered Kenya in recent years, both because of the absence of major humanitarian and political crises inside Somalia and because of inhospitable conditions for refugees in Kenya itself. Because Kenya mainly hosts refugees from south-central Somalia, and because south-central Somalia remains the most unstable area of Somalia, fewer Somali refugees based in Kenya have been willing to risk repatriation. This explains why Kenya continues to host the largest number of refugees and why that number has remained generally unchanged since 1999. In the summer of 2003, a modest number of Somali refugees (over 600) have opted voluntarily to repatriate to Puntland, where economic recovery is relatively strong and job and business opportunities are possible. A further 2,000 have declared their interest in voluntary return to Puntland.⁹⁸

Kenya's refugee policy requires that refugees must, with few exceptions, live in designated refugee camps. Somali refugees who leave the camps to reside in Nairobi – and there are tens of thousands of Somalis who choose this option – are in violation of the law. This creates two categories of Somali refugees in Kenya, encamped refugees and urban refugees. Each has its own set of problems.

⁹⁵ Horst, C., *Vital Links in Social Security: Somali Refugees in the Dadaab Camps, Kenya*, New Issues in Refugee Research Working Paper, No. 38, Geneva: UNHCR, April 2001, p. 4

⁹⁶ United Nations Development Office for Somalia, *Awdal Region*, Nairobi, December 1997, p. 22

⁹⁷ United Nations High Commissioner for Refugees, *Estimated Number of Returns...*

⁹⁸ United Nations High Commissioner for Refugees, *UNHCR Resumes Repatriation from Kenya to Somalia's Puntland*, Bossaso, 21 July 2003

The refugee camps are located in very remote, dry, and hot corners of Kenya, at Dadaab (near the Somali border) and Kakuma (near the border with Sudan). These two locations are among the most inhospitable environments in Kenya. Refugees in the camps face a range of problems. Living conditions are harsh. Violent crime is endemic both in and around the camps, with rape of women who collect firewood in the surrounding bush at extremely high levels. Due to inadequate funds, food rations allocated by international agencies have at times been cut below minimum caloric intake.⁹⁹ The refugees are not permitted to farm or engage in business, so they remain entirely dependent on external assistance. Alarming malnutrition levels have recently been recorded among some of the weaker social groups in the camps – 65 per cent of Somali Bantu children in Kakuma camp are chronically malnourished, a rate five times higher than the camp's general population.¹⁰⁰ Tensions with surrounding populations have resulted in armed clashes. Predators – both local militia and the Kenyan police and security forces – victimize refugees. For Somalis with access to funds or family contacts in Nairobi, the temptation to slip away from the camps is great. For destitute refugees, the decision to leave for Nairobi is a dangerous gamble, as conditions for impoverished refugees in Nairobi are very bad..

Refugees in Nairobi are with few exceptions living outside the law, and are subject to extortion by the Kenyan police. Even when Somali refugees hold proper documents, police may destroy the paperwork and demand bribes. According to a recent human rights report, the average refugee in Nairobi spends US\$34 per month on bribes to police.¹⁰¹ When arrested and imprisoned, Somali refugees are subject to abusive treatment. Poorer refugees are forced to rent rooms in the most crime-ridden slums of Nairobi, where they are easy prey for criminals. Somali refugees are viewed by the Kenyan government and much of the Kenyan population in general as a source of criminality, gun-running, and other social ills, creating a hostile environment for Somalis to live in. Since the September 2001 terrorist attacks in the US, Somalis have been the targets of police raids, resulting in detention, arrest, or forced relocation to Kakuma. Those Somalis who seek asylum in Nairobi face lengthy waits of eight months to a year before they can be seen by UNHCR officers.¹⁰² Kenya is, in sum, an inhospitable place for Somali refugees. But Kenya remains a sought-after destination for refugees, especially those who hope to continue on to third countries.

In 2002-2003, a major resettlement project was initiated, involving up to 13,000 Somali Bantu in Kenyan refugee camps who are being resettled in the United States. This is the largest group resettlement effort undertaken by the United States since the 1970s. The project is based on an assessment that the Somali Bantu will not be able to return safely to their home areas in Somalia in the near future due to chronic maltreatment, discrimination, and predation by dominant Somali clans.

The new government in Kenya announced in February 2003 that it is considering a shift in policies towards refugees; changes may include a change of encampment policies which

⁹⁹ United Nations Integrated Regional Information Network, Kenya: Food Crisis for Refugees Averted - WFP, Nairobi, 4 August 2003

¹⁰⁰ International Rescue Committee, IRC Works to Reduce Malnutrition among Somali Bantus in Kenya, New York, 20 June 2003 (press statement)

¹⁰¹ Human Rights Watch, *Hidden in Plain View*, ch. 3

¹⁰² *Idem*, ch. 6

would allow for greater freedom of movement, and a lifting on the ban on refugees engaging in productive, income-generating activities. These remain proposals only as of August 2003.

5.3 Refugee Movement into and Status in Yemen

Somalis seeking refuge in Yemen must travel by sea, usually from Bosaso port, on boats dedicated to smuggling of human beings. These boats are sometimes in poor condition and a number have capsized and sunk, resulting in tragic loss of life. The majority of Somalis attempting to make the crossing to Yemen are from south-central Somalia, and are hoping to use Yemen as a gateway into third countries in the Gulf – especially Saudi Arabia, where migrant labour opportunities are good. It is for this reason that the number of Somali refugees in Yemen continues to rise, even as they fall in other neighbouring states.

5.4 Refugee Movement into and Status in Djibouti

Since 1992, the number of Somali refugees in Djibouti has remained constant at about 20,000. These refugees were almost all from Somaliland, and most were Issa, a clan which had been in conflict with adjacent clans (Gadabursi and Isaaq) at points in the early to mid 1990s. Because the Issa are the dominant ethnic group in Djibouti, tense relations between Somaliland and Djibouti negatively affected hopes for repatriation. But as of 2002, the Somaliland-Djibouti border has been reopened and relations are somewhat better. UNHCR has plans in 2003 for the repatriation of 10,000 of the remaining 19,617 refugees still in Djibouti. The weak economy in Somaliland may delay that repatriation, however, if it is concluded that Somaliland cannot absorb the returnees at this time.

5.5 Refugee Movement into and Status in Ethiopia

Ethiopia played host to a large number of Somali refugees in the late 1980s and early 1990s, peaking at 513,950 refugees in 1991. The main source of refugees at that time was from Somaliland in 1988-1990, when an estimated 500,000 (mainly Isaaq) Somalis fled bombing and massacres by the Barre regime. Those refugees were encamped in five camps, including Teferi Ber and Dher Wanaje near Jigjiga, Ethiopia. Smaller flows of refugees entered southern Ethiopia near Beled Weyn and Dolo in 1991-1992. Hundreds of thousands of Isaaq returned to Somaliland in 1991 and 1992, but over 200,000 stayed on in the refugee camps throughout most of the 1990s, mainly for economic, not political, reasons. Households moved freely back and forth between Somaliland and the camps in an attempt to take advantage of economic opportunities in both; the camps themselves grew into a vibrant commercial hub, and many households operated small businesses there. Unlike Kenya, Ethiopia was a relatively permissive environment for Somali refugees. Starting in 1998, voluntary repatriation to Somaliland has increased – some 170,000 returnees – and the total number of Somali refugees in northern Ethiopia has dropped to 37,498.¹⁰³ In 2002, over 29,000 Somalis returned home. Three of the five Somali refugee camps have now closed.¹⁰⁴ An additional 25,000 refugees will be repatriated to Somaliland in 2003 if economic conditions in Somaliland and funding availability permit.¹⁰⁵ In recent years, refugees have found the environment in Ethiopia less attractive. Assistance to refugees has at times dropped due to periodic funding shortfalls – including one currently threatening food supplies to refugees in

¹⁰³ United Nations High Commissioner for Refugees, Estimated Number of Returns...

¹⁰⁴ World Food Programme, Lack of Funding Threatens Thousands of Refugees in Ethiopia, Addis Ababa, 31 July 2003 (press statement)

¹⁰⁵ Roland Henryson, UNHCR-Somalia Office, Nairobi. Personal interview, June 2003

August 2003. Some refugee camps have simply been closed, forcing refugees to relocate.¹⁰⁶ Border restrictions by Ethiopia, part of stepped up security efforts in the aftermath of September 2001, have hurt commercial trade and reduced the profitability of maintaining a business in and around the camps. The impressive repatriation levels from Ethiopia to Somaliland have thus been driven both by positive factors related to the economic boom in Somaliland up until 2003 and negative factors in the Ethiopian environment.

5.6 Refugee Movement into and Status in Tanzania

A small number of Somali refugees have relocated to Tanzania. Some are ethnic Somalis, but most are Somali Bantu, including one Bantu community – the Mushunguli – whose ancestors were originally from northern Tanzania but were sold into slavery in Somalia in the nineteenth century. For these Bantu, the decision to travel overland through Kenya to Tanzania was an effort to return “home”, reflecting a belief on their part that they have no future in Somalia. Throughout the 1990s, these Somali Bantu – numbering between 3,000 and 4,000 – were encamped in northern Tanzania, and treated as foreigners. Others preferred to reside in the slums of Dar-es-Salaam, where they sought work. In 2003, the Tanzanian government suggested that it may grant citizenship to 3,200 Somali Bantu refugees, who may be given a 2,000 hectare land grant near their ancestral home area.¹⁰⁷

5.7 Repatriation Efforts: Status of and Issues Related to Returnees

Returnees have faced a range of problems in Somalia. Those problems vary by region.

In Somaliland, recipient of the largest flows of returnees since 1997, the sheer number of returnees (170,000 in six years) has posed a challenge to the local economy and local authorities. The vast majority of the returnees prefer to settle in Hargeisa, which has required a major urban planning and housing effort to accommodate them. The urban planning and housing designs which were implemented by the municipality won accolades internationally, but have still been unable to prevent the formation of large slum areas where returnees concentrate. The core of the problem has been that even in the more prosperous period of 1996-2002, Somaliland’s economy was far too weak to generate employment for the returnees – Somaliland’s unemployment rate in mid-2001 was estimated at over 80 per cent.¹⁰⁸ Today, returnees are among the poorest of Somaliland’s population. Most of the returnees who arrived in Somaliland a decade ago are as destitute as the returnees arriving today.¹⁰⁹ Worse still, external assistance to returnees has been badly underfunded; UNHCR faced major budget cuts in 2001, reducing both its project money and personnel, while foreign aid to Somaliland from other sources has been modest (estimated at about US\$15 million for the year 2001).¹¹⁰ The current economic crisis in Somaliland is further reducing the capacity of the local economy to absorb returnees.

¹⁰⁶ United States Committee for Refugees, *Welcome Home to Nothing: Refugees Repatriate to a Forgotten Somaliland*, Washington DC, December 2001, p. 6

¹⁰⁷ Agence France Press, Tanzania Ready to Give Citizenship to Bantu Somalis: Minister, Dar-es-Salaam, 25 June 2003

¹⁰⁸ United States Committee for Refugees, p. 7

¹⁰⁹ *Idem*, p.6

¹¹⁰ International Crisis Group, *Somaliland...*, p. 7

In Puntland, voluntary repatriation is currently going well. But Somaliland's predicament serves as a cautionary note for Puntland. Puntland's current economic boom is contingent in some ways on problems in Berbera port and political impasse in Mogadishu. The local economy could quickly change for the worse if Berbera port becomes more cost-effective or Mogadishu's all-weather seaport is reopened. Puntland's economic growth is thus impressive but fragile, and the current influx of returnees will be especially vulnerable to unemployment in the event of a downturn. Another concern in Puntland is the matter of returnee adaptation. Many or most of the returnees from Kenyan refugee camps are actually Mogadishu natives with affiliation to the Mijerteen clan. They are returning to their clan's home territory, but one which some have never lived in before, and one which lacks the urban amenities of pre-war Mogadishu.

In the south of Somalia, problems facing returnees are most profound, a fact which explains the very low rate of return to this part of the country. Most of south-central Somalia remains a zone of chronic lawlessness and insecurity. Even areas which have enjoyed relative peace and stability are prone to sudden reversals. Most refugees would return to areas under militia occupation, to homes or farms which have been occupied by armed newcomers. Because many refugees from southern Somalia belong to minorities, they would also be especially vulnerable to predation by criminals and militia, and external assistance to such groups is subject to expropriation by more powerful local interests. Not surprisingly, few southern Somali refugees have voiced a desire to return home at this time.

Even if a measure of lawfulness and security is restored in southern Somalia, another problem remains which is likely to discourage many refugees from returning home. For poorer refugees, especially subsistence farmers from regions like Middle Jubba, the amenities and social services they have access to in the refugee camps are better than anything available in their home areas, where there are no schools or primary health care posts. As bad as conditions are in Dadaab and Kakuma, they are, for the poorest Somali refugees, better than anything they can expect to see in Somalia.

5.8 IDP Populations and Status inside Somalia

Internally displaced persons are among the most vulnerable groups in Somalia. Their situation is discussed above in section **4.2: Groups at Risk**.

5.9 Non-Somali Refugees and Migrants into Somalia

Somalia has mainly been a source of, not a host for, refugees and migrants. But in two cases in recent years Ethiopians have crossed Somalia's borders seeking assistance or employment. First, the economic growth in Somaliland since 1995, including the impressive level of remittances flowing into the local economy, has led to both employment opportunities and somewhat higher wages in Somaliland than in eastern Ethiopia. Hundreds or perhaps thousands of mainly Oromo Ethiopians have come to Somaliland to work as farm hands, domestic servants, and in other employment. Smaller numbers of Ethiopian migrant labourers have appeared in Puntland and selected areas of southern Somalia, such as Beled Weyn, in search of employment. In 2002, a wave of distressed pastoral households crossed into parts of Somaliland – especially Awdal region – to escape serious drought conditions in northeastern Ethiopia. Most of these nomadic families were ethnic Somalis, with clan connections in Somaliland. They have since returned once conditions improved in Ethiopia.

6 NGO/IGO Activities in Somalia

6.1 Issues Related to Nairobi-based Country Offices

Somalia is an exceptionally challenging environment for international aid agencies. Because of widespread insecurity in most of the country and because of the ongoing absence of a national government, the aid community has since 1995 had to relocate its country head offices to Nairobi, Kenya. Though security conditions are good in Somaliland, the fact that that administration's claim to sovereignty is not recognized makes it problematic for UN agencies and most NGOs to have a "country" office in Hargeisa, so field operations in Somaliland are headquartered in Nairobi as well.

There are some advantages to having Nairobi serve as the site of Somalia country offices. Nairobi provides a relatively strong infrastructure (communications, transport) for offices; international staff have access to excellent housing, education, health care, and other amenities, and can be posted there with their families, reducing problems of recruitment and retention; and offices can take advantage of Nairobi's status as regional hub for media and diplomacy.

The drawbacks to having country offices exiled to Nairobi are, however, considerable. International and local staff, including Somali nationals, are isolated from day to day life and contacts with Somalis in the country, and have only limited opportunities to make short field site visits. This can create serious problems related to adequate understanding of and information about Somalia, and can in some pathological cases produce a situation in which Somalia can appear incidental to internal Nairobi office politics. This phenomenon has produced an acute "field versus headquarters" tension in almost every aid agency working in Somalia. Logistical support of field offices is much more challenging given the distances involved and the generally poor telecommunications system linking Kenya and Somalia. The costs of maintaining offices and personnel in Nairobi are exceptionally high, so that much (some would argue most) of the total aid allocated to Somalia never leaves Nairobi. Kenyan registration and employment policies regarding international NGOs are cumbersome and expensive, and problems of corruption can and do seep into the offices of IGOs and NGOs. Somali staff members face considerable problems negotiating life in Nairobi, from hassles at airports to police shakedowns in their homes. Finally, the concentration of decision-making power in Nairobi makes it even harder to increase Somali voice in and ownership of relief and rehabilitation policies affecting their communities.

At the field level, a different set of challenges exist. First, as security for international aid agency personnel has worsened since the mid-1990s, agencies have responded by dramatically reducing international staff and relying primarily on national staff to run field operations. Ensuring the security of international and national staff has become a much more difficult and more expensive proposition. Whereas in the early 1990s UN agencies such as UNICEF had several hundred international staff in the field for every one security officer, today the ratio of UN international staff members in the field to UN security officers is 2.5 to 1. The physical isolation of international field staff (even Somaliland remains a non-family post), combined with the chronic insecurity and difficult work environment, has led to very high turnover rates and resulting low institutional memory for all but a few fortunate agencies. For national staff, the increased responsibilities also increase local pressure on them to provide employment or contracts, and have in a number of instances resulted in threats, assaults, and deaths of national staff. Field offices also face the unenviable task of operating in a context of state collapse, where much energy must be devoted to managing relations with

a range of non-state actors, some constructive partners and other predators. The lack of a national government deprives aid agencies of the coordinating body which a functioning ministry would typically provide, and increases the difficulty of maximizing local ownership of policies and projects. In addition, the complex and insecure operating environment in most of southern Somalia and to a lesser extent in Puntland and Somaliland invariably yields a much higher project failure rate than most agencies and donors are comfortable with. This makes agencies less willing to share experiences and lessons learned, and more distrustful of one another. It also makes a posting to Somalia a less attractive career option for aid personnel.

Finally, funding shortfalls have been a chronic problem for aid agencies operating in Somalia. UN Consolidated Inter-Agency Appeals (CAP) for Somalia have consistently fallen far below targeted goals. The CAP for 2003 was only funded at 26 per cent by mid-year, or US\$18.4 million of US\$77.8 million requested.¹¹¹ Donor agencies are increasingly channelling funds through international NGOs; since 1993, approximately 36 per cent of total humanitarian assistance is channelled through UN agencies.¹¹² Funding constraints have been so serious that at times UN agencies and some international NGOs have had to devote most of their energies to seeking funding rather than focusing on operations. While total reported foreign assistance to Somalia appears very substantial – the Somalia Aid Coordination Body calculates that total assistance to Somalia in fiscal year 2002 reached an impressive US\$174.4 million¹¹³ – only a portion of that funding actually reaches Somalia, due to high salary, logistical, and overhead costs in Nairobi.¹¹⁴

Importantly, a parallel source of foreign assistance – Islamic aid agencies, based in and funded by Gulf states – does not provide figures on total assistance channelled into Somalia. But observers note anecdotally that Al-Islah and other Islamic aid sources have become quite significant, and are today the main source of funding for Islamic schools providing education to over 50,000 children;¹¹⁵ the construction of Mogadishu University; provision of scholarships to young men to study abroad; and the operation of several hospitals and health posts. Gulf states also provided some direct assistance to the TNG in 2001, reportedly in the region of tens of millions of dollars.

6.2 Mapping of NGO/IGO Presence and Activities inside Somalia

Accurate information on aid and the status of specific projects is, despite the best efforts of the SACB, difficult to secure. Donor aid figures by region may reflect amounts of funding earmarked but not allocated, and are often not disaggregated from the expenses of NGO and UN agency overheads in Nairobi. Likewise, implementing agencies often report an active presence in regions when in reality they have merely undertaken a one-off workshop or seed distribution, making meaningful regional mapping of UN and NGO activities problematic. The most comprehensive reporting on aid by region, sector, donor, and implementing agency

¹¹¹ United Nations Office for the Coordination of Humanitarian Affairs, *Consolidated Inter-Agency Appeal for Somalia 2003: Mid-Year Review*, Geneva, May 2003, p. 5

¹¹² United Nations Development Programme, *Somalia Human Development Report 2001*, p. 120

¹¹³ Somalia Aid Coordination Body, *Donor Report 2002*, Nairobi, 2002, p. 3, http://www.sacb.info/main_donor.htm [accessed August 2003]

¹¹⁴ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 120.

¹¹⁵ Formal Private Education Network, *Enrolment Figures 2003*, Mogadishu, n. d. (mimeo)

are the SACB's annual *Donor Report*, the SACB's web-based project matrix, and the Somalia NGO Consortium's annual *Handbook*.¹¹⁶

In general, the bulk of emergency or emergency-related assistance – food relief and food security projects, and health and nutrition – is concentrated in southern Somalia, where chronic malnutrition is highest and where humanitarian emergencies most often occur. Agencies which tend to focus on food distribution and emergency health response – the International Committee of the Red Cross (ICRC), World Food Programme (WFP), CARE, UNICEF, and others – are more active in the south than elsewhere. While emergency relief is not disaggregated from rehabilitation assistance in SACB reporting, some major donors devote most of their assistance to provision of emergency relief. The US, the second largest donor after the EC, devoted 56 per cent of its US\$30 million in aid in 2002 to food security, and 64 per cent of its assistance went exclusively to the south of the country.¹¹⁷

Non-emergency assistance is increasingly targeting northern regions, however. Since 2000, the SACB has refocused its policy framework toward promotion of a peace dividend approach, making non-emergency rehabilitation assistance conditional on security and good governance.¹¹⁸ Since such conditions only obtain in Somaliland and, at times, in Puntland, that policy has created what one study terms a “northwards drift” of non-emergency rehabilitation assistance in Somalia, in which a growing portion of aid – both in terms of monetary amounts and aid agency presence on the ground – is in Puntland and Somaliland.¹¹⁹ In 2000, 42 per cent of foreign assistance was targeted at the north, compared to 31 per cent at the south (the remaining 27 per cent was countrywide).¹²⁰ The EC in 2002 committed 49 per cent of its non-emergency project funding to Somaliland and Puntland, with only 23.7 per cent for south and central Somalia (27.3 per cent of its funding that year was for countrywide projects).¹²¹

Sixty-two international NGOs are members of the Somalia NGO Consortium; they report that their projects in governance, education, and water/sanitation/infrastructure are heavily concentrated in Somaliland and Puntland, while their activities in agriculture and health and nutrition are mainly in the south, especially in Benadir (Mogadishu), Lower Shabelle, and Gedo regions.¹²²

UN agencies are, with a few important exceptions, even more heavily concentrated in northern regions. Almost all of the International Labour Organization (ILO) and United Nations Development Programme (UNDP) field-based projects (as opposed to Nairobi-based studies) in 2002 operated in the north. Of UNHCR's 102 quick impact projects in 2002, 91 were in Somaliland, the point of return of almost all of the refugees it is assisting. UNICEF

¹¹⁶ All can be accessed at the Somalia Aid Coordination Body website, <http://www.sacb.info/> [accessed August 2003]

¹¹⁷ Somalia Aid Coordination Body, *Donor Report 2002*, p. 14

¹¹⁸ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 119; Somalia Aid Coordination Body, *SACB Handbook 2003*, p. 16

¹¹⁹ United Nations Development Programme, *Somalia Human Development Report 2001*, p. 120

¹²⁰ *Idem.*, p. 119

¹²¹ Somalia Aid Coordination Body, *Donor Report 2002*, p. 25.

¹²² Somalia NGO Consortium, *NGO Consortium Handbook 2002*, Nairobi: SACB, 2002, Annex, http://www.sacb.info/main_ngoconsortium.htm [accessed August 2003]

has attempted to maintain a countrywide presence, though conflicts have significantly reduced its operations in Mogadishu and Baidoa. World Food Programme (WFP) is the primary exception – 70 per cent of its beneficiaries were in south-central Somalia in 2002, befitting its primary role in food security.¹²³

The notable exception to the “northwards drift” of rehabilitation assistance is Islamic aid, principally in health and education sectors, which is nation-wide in scope but concentrated especially in Mogadishu.

6.3 Security Assessment and Restrictions

Security for international aid agencies is on aggregate extremely poor in south-central Somalia, generally good in Puntland, and quite good in Somaliland (apart from the regions of Sanaag and Sool). The Office of the UN Security Coordinator (UNSECOORD) is charged with monitoring security inside Somalia, issuing travel and other restrictions, and approving travel itineraries in areas where such screening is warranted. The UNSECOORD Field Security Coordination Office in Nairobi distributes a weekly, closed-circulation security report to UN agency heads, detailing security incidents. Those reports must be closely read for specific security restrictions, regulations, and protocols on matters ranging from radio communications to emergency evacuation procedures. In each of five “areas” of Somalia an area field security coordination officer is responsible for security of UN personnel, including approval of travel to areas of concern. Area security wardens and national security officers assist in this regard.

Over the past three years, travel to south and central Somalia has generally been restricted to a limited number of safe zones. These zones have been distressingly unstable, so that a town which hosts significant international agency work one month can become a no-go zone the next. For example, the town of Baidoa was a major centre of UN and NGO activity from 1999 to 2002; since intra-Rahanweyn clashes broke out there last year, the entire area surrounding Baidoa is now off-limits to UN personnel. Further west, Gedo region has for years alternated between a conflict zone and an area of operations for UN and NGO projects. Saakow and Buaale districts in Middle Jubba were throughout the mid-1990s areas of relative calm and housed several long-running international aid projects; both were engulfed in sudden clan fighting in 1999 and 2002, and have since been off-limits. Merka, in Lower Shabelle region, was home to a sizable number of international projects, and its airstrip was a refuelling and transit hub for both the consolidated UN air service (UNCAS) and ECHO flights, until armed clashes and shootings at aircraft led to the suspension of flights there. As of mid-2003, very few areas of south-central Somalia are considered safe enough for agency operations. Towns which are currently secure – including Kismayo, Luuq, and Jowhar – are often surrounded by unsafe territory, so UNSECOORD restrictions on road travel are very tight. Banditry and dangerous militia roadblocks along much of the main north-south highway from Beled Weyn to Kismayo render road traffic unsafe, and a combination of banditry and landmines is currently preventing road travel in most of Bay region.

The picture which emerges from this short catalogue of security incidents is that not one single town or region of south-central Somalia has remained a consistently safe and permissive operational environment for international agencies. All have had at least one or two major security incidents requiring suspension of aid activities, some of which have resulted in injuries, kidnappings, or deaths of national or international staff. In some cases the

¹²³ Somalia Aid Coordination Body, *Donor Report 2002*, pp. 61-81

incidents are related to clan or factional fighting; equally as often the insecurity is the result of threats or attacks against aid agencies due to disputes over allocation of employment, contracts, property rental, or project site location. This has put a premium on agencies' ability to design projects flexibly and groom national officers not only to manage projects themselves but to adapt projects to rapidly shifting needs and circumstances.

Mogadishu has been consistently insecure since 1995 and as a result has been placed on a UN Security Phase 5, requiring any mission to seek approval two weeks in advance, travel with a security officer, and limit the duration of the trip to a maximum of four days.

Puntland is currently in a state of transition after a year of conflict, but in general travel and security restrictions there have been light since the mid-1990s. Since the outbreak of conflict there last year, travel restrictions have generally required UN staff to travel on the north-south highway in daylight hours only, and to seek approval for any off-tarmac trips.

Somaliland has generated the least amount of travel and security restrictions. It is one of the safer regions of the Horn of Africa. Travel to eastern areas of Sool and Sanaag have at times been restricted and generally require approval from area field security coordination officers. Recently Somaliland police have been advising foreign guests to avoid road travel at night due to an increase in robberies.

International agencies operating in areas bordering Somalia, especially in Kenya, often face security conditions as bad as or worse than in Somalia itself. Mandera, Kenya, is increasingly unsafe and UN operations there are restricted. At times, the hinterland around the Dabaad refugee camps has been exceptionally bandit-ridden, requiring armed convoys for overland trips to and from Nairobi/Garissa.

7 Migration Trends

7.1 Factors Generating Forced Migration

The situation analysis presented in this paper suggests that Somalia is unlikely to produce a major new flow of refugees or IDPs in coming years, but is almost certainly going to experience localized crises which will generate smaller involuntary population movements, some of which may cross borders to safety and assistance. Two types of factors are relevant in this regard – first, sudden political crises or natural disasters which precipitate large-scale displacement, and second, incremental crises which slowly create conditions which may make populations more prone to emergencies leading to displacement.

Natural disasters. Somalia's geographic location places it in a region featuring extreme climatic variability. Severe droughts occur in parts of Somalia on average every five years, as do severe floodings in riverine areas. One recent study ranked Somalia the second most disaster-prone country in the world.¹²⁴ International relief agencies can and do expect to respond to these "routinized emergencies" and, thanks to the development of powerful predictive tools and early warning systems (the Food Security Assessment Unit and the Famine Early Warning System), relief agencies are better able to anticipate and prepare for natural disasters in Somalia. That early response capacity usually reduces population

¹²⁴ Tear Fund, Afghanistan Tops Disaster League, Teddington, 24 July 2001 (press statement), <http://www.reliefweb.int/w/rwb.nsf/0/c8ebcaf4258a2e2ec1256a930044e3f7?OpenDocument> [accessed August 2003]

displacement. Given Somalia's variable climate, one factor which is very likely to create some level of population displacement in the next few years is a flood or severe drought. It is worth noting that Somalia's rural populations of pastoralists and farmers both have well-developed coping mechanisms to survive such natural disasters, but a combination of political insecurity, rangeland degradation, and privatization of watering holes and pasture (enclosures) is rendering both farming and pastoral communities more vulnerable to flood and drought events. Typically, victims of natural disasters in Somalia will relocate to wherever they believe relief is available, either to regional urban centres or across borders. How relief agencies target aid is thus a critical factor in determining population movement in natural disasters.

Political crises. The trend assessment presented here suggests that political instability and armed clashes will continue to plague much of south-central Somalia in coming years, but that those political crises are likely to be localized in nature. This means that we can expect to see more of what has occurred in the late 1990s – clashes which typically produce internal displacement in the hundreds or thousands, with IDPs relocating to the nearest safe town or city. War-induced displacement which yields refugees into Kenya or Ethiopia is not considered very likely, except for clashes and insecurity in the Jubba regions from Kismayo to Gedo, where displaced populations can reach the Kenyan border with relative ease.

Incremental crises. Of equal concern are trends which appear to be creating conditions of increased vulnerability rendering some population groups more prone to displacement. The fragile state of the economy from Kismayo to Mogadishu to Bosaso is a matter of particular concern. All of the regional economies in Somalia are very vulnerable to both internal and external shocks – closure of remittance companies, hyperinflation, closure of borders, political crises – which could prompt population movements. The economy of pastoral households, which suffers a persistent decline in terms of trade of livestock to dry rations, is leading more nomadic families to drift to urban areas, and renders remaining pastoralists more vulnerable to the effects of drought and livestock epidemics. Likewise, the reduced carrying capacity of rangeland, resulting from overgrazing and charcoal production, places pastoral households at greater risk of displacement when rains fail. Finally, the complete lack of basic services in many rural regions constitutes an additional impetus for households seeking access to education and health care.

7.2 Factors Generating Voluntary Migration

Population displacement and refugee flows in Somalia are affected by more positive factors as well. This is most dramatically in evidence in the high rates of displacement/migration of southern Somalis relocating to northern urban areas where economic prospects are good and security is better than in the south. Mogadishu also attracts a flow of migrants from the countryside despite its insecurity, as quality schools and other services are concentrated there. In a number of cases, heads of households are relocating their families to Mogadishu so children have access to schools, while they remain with their businesses in outlying regions.

Positive factors which contribute to refugee flows into Kenya and elsewhere have in the past been limited to two: the immediate guarantee of food relief and shelter in the camps, and the prospects of transiting through Kenya or Yemen to a third country for work or asylum. For the poorest Somali refugees – the Bantu farmers of Lower and Middle Jubba, for instance – the basic food rations, health services, and education offered in Dadaab and Kakuma exceed anything they can hope to find back home, creating an incentive to keep family members in the camps. The attraction of Kenya could soon increase, if some of the more humane policy

options the new Kenyan government is considering are adopted. This includes the possibility of permitting refugees more freedom of movement inside Kenya and permitting them to engage in productive activities. But the biggest single factor potentially attracting refugee flows into Kenya is the prospect of police reform by the Kibaki government. If police corruption and brutality are brought under control, Kenya will become a more attractive setting for Somalis seeking a combination of safety from persecution or war, access to employment and services, and a more peaceful setting for their families.

8 Conclusion and Policy Implications

The analysis presented in this study points to two broad trends which are likely to shape Somalia in the coming three to five years. The first finding is that subtle but important changes are occurring across the board in Somali society – in the locus of political power, the nature of armed conflicts, patterns of governance, the authority of clan elders, the pursuit of economic profit, local promotion of human rights, the scope of humanitarian emergencies, and so on. Collectively these trends challenge the widely held but inaccurate portrait of Somalia as a country caught in the maws of an unending and unchanging crisis. Somalia's crisis is, to put it succinctly, dynamic, not static.

A corollary to this observation is that many of these observable trends in Somalia are the result of shifting interests and calculations on the part of Somali groups and individuals. Trends in contemporary Somalia are a reflection not of irrational impulses of warlords or the “madness” of teen-age warriors in an environment of state collapse, but rather of the calculations of local actors as they try to survive and profit in a context of great uncertainty and insecurity. Many of the trends identified in this study are the product of risk management by Somalis coping with state collapse. Militiamen demobilizing and taking up farming in the Lower Shabelle do so because the risks attached to fighting and looting have become greater than the value of potential war booty. Businessmen who finance *sharia* courts do so because they have come to have an interest in safe commercial corridors and secure market areas, not in the spoils of war. Warlords who incite tensions between rival clans do so because their political standing in peacetime quickly plummets. These actors may miscalculate – in fact, evidence points to an enormous amount of miscalculation in Somalia – but they are calculating, attempting to manage and reduce risk and advance their interests. By coming to a better understanding of how Somali communities and leaders are managing risk and making calculations to cope with their challenging environment, aid agencies are better able to anticipate local response to projects and avoid unnecessary problems.

A second finding from this analysis is that, despite the trends which have reshaped Somalia since 1995, evidence suggests that the overall political situation is unlikely to change dramatically in the short term. Somalia is unlikely to see the establishment of a functional national government in the next few years; continued state collapse is likely to continue to define Somali affairs. South-central Somalia in particular appears likely to remain a fairly dangerous, non-permissive area of operation for relief and development agencies. Pockets of stability and good governance will continue to appear, but are themselves prone to reversals of fortune.

Somalia, however, is not and has never been very amenable to accurate political predictions. Therefore, prudence dictates that international agencies prepare for a number of plausible scenarios. Three different scenarios for the coming three to five years are considered below.

8.1 Most Likely Scenario

Over the next three to five years, the most likely scenario for Somalia will be continued incremental changes in political and economic life but with no dramatic departure from the current situation. Specifically, most evidence points to a continuation of de facto state collapse, regardless of whether one or more transitional national governments are declared. South-central Somalia will thus continue to feature localized polities with variable levels of authority, and chronic susceptibility to armed clashes or outbreaks of criminality. Some regions, such as Gedo and Lower Jubba, are almost certain to produce such levels of insecurity. Mogadishu will likely remain divided by quarrelling warlords and clans. In this environment, Islamic courts will see a revival of fortunes, much as was the case in the late 1990s. Top business figures will continue to accrue more powerful clout in Mogadishu at the expense of militia leaders, but it is not clear that the business elite will be willing to assume a more direct political role in the near future. Armed conflict will likely remain localized and intra-clan in nature, much as has been the case in recent years. Though the possibility of competing transitional administrations – one led by Abdullahi Yusuf, the other by the TNG – will likely rekindle an Ethiopia-Arab state proxy war in Somalia, it is likely to mainly be a stand-off, with only a few points of potential conflict. Islamists are unlikely to seek direct political control anywhere, as that would expose them to possible attacks by Ethiopia or the US. But Islamic aid agencies and movements such as Al-Islah appear poised to assume an even more robust role in key sectors such as education and health, and will enjoy increased indirect political and social influence in the south. Large-scale humanitarian crises in the south are only likely in the event of a severe natural disaster, especially if combined with political instability. Such crises will probably be regional, not national, in scope. For international aid agencies, this means that they will have to continue to cope with the non-permissive and high-risk environment in responding to emergency needs in south-central Somalia.

To the north, the most likely scenario for Somaliland in the next three to five years is continued incremental improvements politically, and an eventual recovery from the current economic downturn. The Sool-Sanaag issue is unlikely to be resolved, but the rest of Somaliland will remain relatively peaceful and stable. Much will depend on the handling of parliamentary elections next year, and on the effectiveness of external pressure on the current administration to avoid slipping into authoritarian tendencies. While it is unlikely Somaliland will win diplomatic recognition from another country in the near future, it is possible that measures short of outright recognition will be considered. Puntland may have the brightest prospects in the next five years, if its economy continues to expand and its political leadership can consolidate the recently brokered peace.

Large-scale internal displacement or refugee flows are not likely in this scenario, but smaller, regional emergencies will almost certainly produce at least some refugees and IDPs.

8.2 Worst-case Scenario

The worst-case scenario for Somalia in the short term would involve some combination of the following disasters, all of which are individually plausible. A major natural disaster – drought or floods – creates widespread hunger and population displacement in heavily populated areas of the country. Political tensions between rivals in the TNG, G-8, and SRRC leads to heavy fighting in parts of the capital Mogadishu, triggering displacement of urban dwellers toward the Shabelle river valley, where they settle in disease-ridden and insecure camps. The possibility of a major urban displacement into the Mogadishu hinterland is unlikely but

constitutes a nightmare scenario, as that area is chronically insecure and would pose a major challenge to relief agencies. Importantly, any severe and prolonged crisis in Mogadishu would likely produce a significant outflow of middle-class Somali refugees into Kenya or elsewhere, as many better-off Mogadishu residents have passports or travel papers enabling them to settle abroad. The brain-drain and capital-drain such an exodus would produce would only worsen political and economic problems in Mogadishu. Similarly, it is conceivable that tensions between pro-Ethiopian and pro-Arab camps in Somalia could produce heavy fighting in other flashpoint areas – Baidoa, Kismayo, and Galkayo, among others – which create humanitarian crises in dangerous operating environments. Another potential component of a worst-case scenario in Somalia is the very real prospect of an epidemic of a dangerous, Ebola-virus type disease. With no public health system and very unsanitary conditions in urban areas, this could produce very high fatality rates in very insecure operating environments.

Though both Puntland and Somaliland appear stable at this time, Puntland's armed clashes in 2001-2002 serve as a reminder that that stability cannot be taken for granted. If economic downturn in Somaliland becomes a full-blown economic crisis, armed criminality would likely rise and latent political tensions could become open wounds. If the Rayale government gravitates towards more repressive and authoritarian polices, including manipulation of upcoming parliamentary elections, it is conceivable that this could produce protests and armed clashes. Because of Hargeisa's proximity to Ethiopia, any such instability would be more likely to produce a flow of refugees across the border. A worst-case scenario in Puntland would involve renewed fighting between the militias of Abdullhi Yusuf and General Ade, which would shut down commerce at the Bosaso port and produce an economic crisis. Migrant labourers would move in large numbers back to southern Somalia, and many Somalis would attempt to cross by boat to Yemen.

8.3 Best-case Scenario

The most optimistic but still plausible scenario at this time is one in which the current peace talks at Mbagathi, or a successor peace process, produce a transitional government which wins approval from most of the population and which eventually is able to take its place in Mogadishu. Given enough external recognition and assistance, including AU peacekeeping forces, the transitional government is able to co-opt or defeat spoilers and gradually extend its presence in much of the country. If in this scenario Mogadishu not only becomes less crime-ridden, but also becomes more open to all Somali clans to live there with full rights and opportunities, tens of thousands of Somali refugees would be interested in returning to the capital, and tens of thousands more would relocate to Mogadishu from provincial towns or from abroad. This could empty towns such as Bosaso, Bardera, and Beled Weyn of much of their current populations and swell neighbourhoods of Mogadishu. UNHCR and its partners would need to be prepared to assist large numbers of refugees, mainly in Kenya and Yemen, seeking to repatriate. International aid agencies would also need to prepare for physical relocation of their country offices from Nairobi to Mogadishu. That move would almost certainly lead to a loss of a certain percentage of staff who would not be willing to live in an initially dangerous, non-family post.

8.4 Policy Implications

These three scenarios present very different policy implications for aid agencies. But the trend analysis informing these scenarios points to a common set of policy considerations. First, the Somali context demands maximum flexibility in programming, to allow projects

and project personnel to adapt to rapidly changing local circumstances. This is especially the case in south-central Somalia, where rehabilitation projects in stable zones can suddenly face armed conflicts or political deterioration, or the onset of humanitarian emergencies. Institutional flexibility is required at all levels – from budgets to project time-frames to project objectives – so that the overall aim of assisting Somali communities is not subordinated to the narrowly defined objectives of a project document and agency protocol which is suddenly rendered irrelevant by events on the ground. Donors must be as sensitive to the need for flexible response as agency heads.

Second, IGOs and NGOs must continue to refine their skills in interacting effectively and constructively with state and non-state actors. The Somali environment has generally produced a preference on the part of external aid agencies to avoid local authorities altogether and work with and through local NGOs as a way to avoid the many complications of other non-state actors. In the long run, however, building the capacity of local authorities – municipalities, ministries of regional states, and others – is a vital part of rebuilding governance in Somalia.

The “northwards drift” of non-emergency assistance to Somalia is a third policy issue noted in this study. The “peace dividend” principle of the SACB is laudable, but care must be taken not to allow south-central Somalia to become marginalized. Innovative, small-scale rehabilitation projects in the south can help maintain some balance in assistance and provide the south with some means of escaping its current impasse.

The trend analysis developed in this study reinforces a frequent observation that the most dynamic and increasingly important force in Somalia is the private sector. For aid agencies accustomed to dealing either with the public sector or with the non-profit sector, for-profit businesses are generally beyond their purview. But Somalia’s unique situation requires that all aid strategies take into account the potential for the private sector to be a constructive partner in projects. Where possible, assistance should help to promote private sector activity; at a minimum, assistance should not inadvertently harm legitimate private sector interests.

Assessments consistently point to several social groups in Somalia – in particular, IDPs – as among the most chronically vulnerable sections of the Somali population. Strategies to assist IDPs face challenges even in the permissive environments of Puntland and Somaliland; in Mogadishu and Kismayo the task is even more daunting. Agencies must continue to develop new and more effective strategies for reaching and assisting IDPs, and must continue to press local authorities to accept responsibility for the protection and well-being of these generally powerless groups.

A related finding, of special concern to UNHCR, is the poor status of returnees in Somaliland. The structural weakness of the Somali economy makes reintegration of returnees an enormous challenge, especially when most prefer to resettle in large urban areas with high unemployment. Policies must be devised to increase income-generating activities for returnees, lest they become an underclass of slum-dwellers. This requires both greater levels of donor funding for refugee reintegration, and more effective strategies for imparting skills and developing markets for returnee small businesses.

Finally, the scenarios developed above serve as a reminder that the international community must be prepared to respond quickly not only in the event of a worst-case scenario requiring large-scale humanitarian assistance, but also in a best-case scenario, where a window of

opportunity for reconciliation and revived central government presents itself. Aid agencies have developed excellent capacity for rapid response to emergencies, but are painfully slow to provide timely assistance to positive developments in collapsed states. Contingency plans and contingency funding to support a promising peace process would ensure that Somalia does not fall victim to another “missed opportunity” in the coming years.

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