

Somalia

Update on the current situation (2006–2008)

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1 Introduction

Somalia has been without a central government since January 1991. For almost two decades, warlords and clan militias ruled in southern and central Somalia, which remained a zone of civil war.¹ Northern Somalia developed differently. In the north-west the Republic of Somaliland was established through unilateral secession in May 1991. It claims independence from the rest of Somalia, but does not enjoy international recognition. In August 1998, Puntland was founded in the northeast as an autonomous regional state that, nonetheless, remains part of Somalia (see Annex, Map I and II). Effectively, the continued state failure of Somalia takes place in the south. The north is characterized by political, social and economic reconstruction and «emerging statehood» beyond international recognition.² However, Somaliland and Puntland are distanced but not detached from what happens in the rest of the country.

Over the past 17 years the international community started several initiatives to end the civil war and re-establish the state in Somalia. The most recent peace and reconciliation conference was staged in Kenya, between October 2002 and January 2005, under the auspices of the Intergovernmental Agency for Development (IGAD).³ At this conference, the Transitional Federal Government (TFG) was established. It consists of a parliament whose members gained their positions in a rather intransparent procedure and according to the proportion of clans. The parliamentarians elected Abdullahi Yusuf, the former President of Puntland, as new President of Somalia. Yusuf named Ali Mahamed Geedi as Premier Minister, who then formed a cabinet which was finally approved by the MPs. In mid 2005, the TFG relocated from Nairobi to Somalia. Internal splits and resistance from warlords and Islamists, particularly in Mogadishu, made it impossible for the transitional government to establish itself in the capital.⁴ It finally moved to the city of Baydhoa in central southern Somalia.⁵

¹ Prunier, Gérard 1995: Somalia: civil war, intervention and withdrawal 1990–1995, UN Writenet Paper, www.asylumlaw.org/docs/somalia/country_conditions/Prunier.pdf; Weber, Anette 2008: State building in Somalia – challenges in a zone of crisis, in: E.-M. Bruchhaus and M. Sommer (eds.): Hot Spot Horn of Africa Revisited, Lit Verlag: Hamburg, pp. 14-27.

² For details, see Wartorn Societies Project (WSP), WSP 2001: Rebuilding Somalia: issues and possibilities for Puntland, London; WSP 2005: Rebuilding Somaliland. Issues and Possibilities, Lawrenceville; Hagmann, Tobias and Markus V. Hoehne, 2009: Failures of the state failure debate: Evidence from the Somali territories, *Journal of International Development*, 21, pp. 42-57.

³ IGAD is the regional organization in the Horn of Africa. Its member states are Djibouti, Somalia, Eritrea, Ethiopia, Sudan, Kenya and Uganda.

⁴ The term «Islamist» refers to actors who combine strict adherence to the written sources of Islam, including the Koran, Hadith and authoritative comments, with «Islamic activism» that is «the active assertion and promotion of beliefs, prescriptions, laws, or policies that are held to be Islamic in character» (International Crisis Group: Somalia's Islamists, Report, 12 December 2005, p. 1). «Islamism» covers social reform movements, as well as militant or «jihadi» groups. In Somalia, at least until 2005, the reform movements were the majority, and militants failed to gain popular support (ibid., Executive Summary). This is in contrast to the dominant external perception of the situation in Somalia that has been brilliantly criticized by Marchal, Roland, 2007: Warlordism and terrorism: How to obscure an already confusing crisis? The case of Somalia, *International Affairs* 83 (6), 1091-1106. The most recent US-backed Ethiopian military intervention arguably contributed to the popularity of the militant Islamist movements, at least in southern and central Somalia.

⁵ Hoehne, Markus V., 2007: Staatszerfall, Konfliktregelung und Staatsaufbau. Zur Diversifizierung der politischen und sozialen Realitäten in Somalia, in: Biel, Melha Rout; Leiß, Olaf (Hg.): Politik in Ostafrika zwischen Staatszerfall und Konsolidierung, Peter Lang: Frankfurt a. M. et al., pp. 75-101.

In June 2006, the Union of Islamic Courts (UIC) took control over Mogadishu from the warlords. Subsequently the courts expanded their rule all over southern and central Somalia, and threatened the weak TFG. An Ethiopian military intervention finally ousted the UIC and installed the transitional government in Mogadishu in late December 2006. Soon after a complex insurgency began against the TFG and its allies that triggered the most dramatic escalation of violence in southern and central Somalia since the mayhem of 1992/93.⁶ The civilian population is the main victim of these ongoing events. In the last two years, dozens of Somali civil society activists and journalists have been assassinated; thousands of civilians lost their lives or were injured; more than half a million inhabitants of Mogadishu had to flee their homes.⁷ War crimes are committed by all parties to the conflict.⁸ Many internally displaced people (IDP) are afraid to return to their homes and continue to live in provisional camps or even without shelter in the environs of the former Somali capital, particularly in the Afgooye district. They suffer from lack of food, sanitation and all other basic services. Additionally, a drought is reaching its peak in southern and central Somalia. In accordance with global trends, food prices increased dramatically, while the Somali currency (Somali Shilling) is subject to hyper-inflation. In this context, UN officials have warned several times that Somalia is facing one of the most severe humanitarian catastrophes world-wide.⁹

2 Political Situation

2.1 Southern and central Somalia

2.1.1 Rise and fall of the Union of Islamic Courts

In February 2006 fighting between the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT) and the UIC escalated in Mogadishu. The ARPCT was an amalgam of several warlords (*cum* TFG ministers), backed by the USA in order to conduct «anti-terror operations» in war-torn Somalia.¹⁰ The UIC united 11 Shari'a courts in Mogadishu. Most of them had operated in the city for several years. Quite unexpectedly, the courts mobilized a considerable number of fighters who defeated the warlords' militias in June 2006. The UIC took control of the former Somali capi-

⁶ Menkhaus, Ken, 2007: The crisis in Somalia: Tragedy in five acts, in: African Affairs, 106/204, pp. 357-390, p. 380; Bloomfield, Steve: Somalia: The world's forgotten catastrophe, in: The Independent, 9 February 2008, www.independent.co.uk/news/world/africa/somalia-the-worlds-forgotten-catastrophe-778225.html.

⁷ Sunday Herald, 11 October 2008: Troop pull-out leaves government on brink, www.sundayherald.com/international/shinternational/display.var.2459722.0.troop_pullout_leaves_government_on_brink.php.

⁸ Amnesty International, 6 May 2008: Routinely Targeted: Attacks on civilians in Somalia.

⁹ Nebehay, Stephanie: UN Somalia humanitarian chief warns of catastrophe, Reuters, 19 April 2007, online: www.alertnet.org/thenews/newsdesk/L19366066.htm; Gettleman, Jeffrey: Humanitarian crisis in Somalia is worse than in Darfur, International Herald Tribune, 20 November 2007, www.iht.com/bin/printfriendly.php?id=8401525; Schlein, Lisa: UN warns Somalia faces humanitarian catastrophe, VOA, 22 April 2008, www.globalsecurity.org/military/library/news/2008/04/mil-080422-voa02.htm; Somalia: families forced into camps by drought, IRIN, 18 September 2008, www.irinnews.org/PrintReport.aspx?ReportId=80461.

¹⁰ A number of warlords were incorporated as ministers into the TFG. The idea behind this was that the warmongers thereby could be «appeased»; see Schlee, Günther, 2006: The Somali Peace Process and the search for a legal order, in: H.-J. Albrecht et al. (eds.): Conflicts and Conflict Resolution in Middle Eastern Societies – Between Tradition and Modernity, Berlin, pp. 117-167.

tal. As leading figures, the «moderate» Sheikh Sharif Sheikh Ahmed and the «hardliner» Sheikh Hassan Dahir Aweys gained worldwide publicity. The UIC quickly expanded its rule over much of southern and central Somalia, and soon challenged the TFG in Baydhoa.¹¹ The Ethiopians rushed to the TFG's support; officially only advisers and no Ethiopian troops were sent. Under the auspices of the League of Arab States peace talks between the TFG and the UIC were held in Khartoum between June and August 2006, but failed in fall 2006. Within the UIC, more radical groups took the lead. The most influential of these were the militants of *Al Shabaab*.¹² Also the TFG leadership did not seem interested in a compromise. Sharif Hassan Sheikh Aden, the speaker of the parliament, was dismissed after he had gone to Mogadishu in November 2006 and negotiated with the UIC on his own initiative. The international perception turned against the UIC – influenced by the US' accusation that Al Qaeda elements operated within the courts and by undiplomatic statements, e.g. about «jihad», of some of the UIC leaders.¹³

The situation was complicated further by external interventions. Eritrea delivered arms and sent military advisers and even some fighters in support of the UIC. Ethiopia, and through it also the USA, were the main allies of the TFG.¹⁴ This nurtured fears of an Ethiopian-Eritrean proxy-war in Somalia. On 6 December 2006, the UN Security Council adopted resolution 1725 that modified the arms embargo on Somalia and authorized the deployment of an African Union (AU)/IGAD force (IGASOM) to protect the TFG. The adoption of this resolution was rejected by the UIC. The UIC declared an ultimatum demanding the departure of Ethiopian troops that by now had undeniably established themselves in Baydhoa and its environs. Despite some last minute diplomatic efforts of the European Union (EU) and the Arab League (AL) fighting between Ethiopian and UIC forces escalated on 20 December 2006. In a massive land and air operation, the Ethiopian army, accompanied by TFG soldiers and aided logistically by the US, quickly overran the UIC forces. Mogadishu fell in less than one week to the Ethiopians and the TFG. Most surviving UIC fighters went into hiding in and around Mogadishu, and further south. The hard core of the courts' leadership escaped to Kismayo, and afterwards to Ras Kamboni in the far south, and toward the Somali-Kenyan border in the southwest. They survived several attacks by US-American aircrafts.¹⁵

¹¹ Inter Africa Group October, 2006: Human Security in Somalia's New Order, Briefing Paper; International Crisis Group: Can the Somali Crisis Be Contained?, Report, 10 August 2006; Menkhaus, Ken 2006/07: Governance without Government in Somalia. Spoilers, state building, and the politics of coping, in: International Security, Vol. 31, No. 3 (Winter 2006/07), pp. 74-106.

¹² In 2006, *Al Shabaab* was lead by Aden Hashi Farah Ayro, who had made headlines in 2005 with the desecration of an Italian cemetery in Mogadishu (which most Somalis did not appreciate, either). As an organisation, *Al Shabaab* «has a longer history, reaching back to the 1980s as the militia of AIAI [Al Ittihad Al Islami] with Sheikh Aweys as the military leader» (Weber, Anette, 2008: State building in Somalia – challenges in a zone of crisis, in: E.-M. Bruchhaus and M. Sommer (eds.): Hot Spot Horn of Africa Revisited, Lit Verlag: Hamburg, pp. 14-27, p. 16).

¹³ Marchal, Roland: Somalia: A new front against terrorism, 5 February 2007, <http://hornofafrica.ssrc.org/marchal/printable.html>.

¹⁴ Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1676 (2006), 22 November 2006.

¹⁵ International Crisis Group: Somalia: The Tough Part is Ahead, Policy Briefing, 26 January 2007; Marchal, Roland: Somalia: A new front against terrorism, 5 February 2007; Report of the Secretary-General on the situation in Somalia, 28 February 2007, online: <http://hornofafrica.ssrc.org/marchal/printable.html>.

2.1.2 Mogadishu's descent into extreme violence

The renewed change of power in Mogadishu did not bring about peace and stability in Somalia. To the contrary, the TFG and the Ethiopians were immediately confronted with a complex insurgency. Not only Islamists but also many members of the Hawiye clan-family that dominates Mogadishu perceived the TFG as their enemy.¹⁶ Heavy fighting between Islamic and clan militias, on the one hand, and the Ethiopian/TFG troops, on the other, erupted within the city in late March and again in the second half of April 2007. The Ethiopians and the TFG resorted to indiscriminately shelling and bombing civilian neighborhoods from which insurgents launched their attacks. Within about four weeks, reportedly more than 1000 people, mostly civilians, died and about 400'000 people became refugees. The Human Rights Watch Report on the fighting in Mogadishu, released in August 2007, amply documented the humanitarian law violations by all involved parties and the human suffering of thousands of civilians.¹⁷

The above mentioned IGASOM force never materialized. In resolution 1744 (20 February 2007), the UN Security Council authorized an AU peace enforcement mission to Somalia (AMISOM). As part of this force, 1700 Ugandan soldiers were deployed in March 2007. Burundi sent another 850 soldiers in early 2008. The planned strength of the force of 8000 troops was never reached, as the other registered contributors to the mission (Nigeria, Ghana, and Malawi) continued to delay the deployment of their soldiers.¹⁸ Part of the AMISOM mandate was to protect the TFG. Hence, this force attracted the enmity of the anti-TFG insurgents.¹⁹ In 2007 and 2008 several Ugandan soldiers were injured or killed in Somalia.²⁰ The deployment of AMISOM did not contribute to the stabilization of Somalia.

In 2007, the Ethiopians and the TFG established their military superiority over Mogadishu. The seat of the TFG, however, remained in Baydhoa. Insurgents mushroomed all over southern and central Somalia, with *Al Shabaab* and a regrouped militant faction of the UIC among them. They resorted to hit-and-run operations, roadside bombs and suicide attacks.²¹ The TFG tried to strengthen its political position by holding a «National Reconciliation Congress» in Mogadishu in July and August 2007. The congress was boycotted by the opposition groups that gathered for their own congress in Asmara, the capital of Eritrea, in September 2007. There the

¹⁶ The TFG President Abdullahi Yusuf belongs to the Majeerteen clan of the Darood clan-family. Since he was strongly backed by troops from his own clan in north-eastern Somalia, many Hawiye perceived the TFG as «Darood» government, even if it included also Hawiye and members of other clan-families, see: Harun Hassan; Cedric Barnes 2007: A Return to Clan-Politics (or Worse) in Southern Somalia?, 27 March 2007, http://hornofafrica.ssrc.org/Hassan_Barnes/printable.html. The «clan logic» does not explain everything, of course. Particularly for some dedicated Islamists the religious orientation transcends the orientation toward one's clan. Economic interests also influence political affiliations.

¹⁷ Human Rights Watch, 12 August 2007: Shell-Shocked. Civilians under siege in Mogadishu, online: www.hrw.org/sites/default/files/reports/somalia0807webwcover.pdf; Gettleman, Jeffrey: Somali Battles Bring Charges of War Crimes, in: New York Times, 6 April 2007.

¹⁸ Mellenthin, Knut, 10 August 2007: Somalia-Friedenstruppe vakant, junge Welt, online: www.uni-kassel.de/fb5/frieden/regionen/Somalia/un-truppe.html.

¹⁹ Red Team Report: Somalia, March 2007; Key Areas: Somalia: Islamic Extremism, Clan Politics Insurgency.

²⁰ BBC, 8 March 2007: African force ambushed in Somalia; BBC, 16 May 2007: AU peacekeepers killed in Somalia.

²¹ Already on 18 September 2006, the convoy of President Abdullahi Yusuf was hit by a suicide attack when leaving Baydhoa. The President survived unharmed; several of his body guards and one of his brothers were killed; BBC News, 19 September 2006: Somali President describes attacks, online: <http://news.bbc.co.uk/2/hi/africa/5358360.stm>. This was the first suicide attack in Somalia.

«Alliance for the Liberation and Reconstitution of Somalia» was founded. Sheikh Sharif Sheikh Ahmed (former UIC) and Sharif Hassan Sheikh Aden, the ex-speaker of the parliament, were elected as leaders of this alliance that subsequently became known as «Alliance for the Re-Liberation of Somalia» (ARS). Some Hawiye leaders in Mogadishu distanced themselves from the alliance forged in Asmara. Also within the TFG rifts between President Yusuf and Prime Minister Geedi became obvious. While the Prime Minister got the vote of confidence of the parliamentarians, he was finally pressurized by the Ethiopian government to resign in late October 2007.²²

In November 2007, Nuur Hassan Hussein, who, as Geedi, belonged to the Hawiye clan-family, was appointed as Prime Minister. Nuur Hassan Hussein aka Nuur Adde encountered strong opposition to his initial moves to reshuffle the cabinet. It took him until January 2008 to form a new cabinet as part of a government of «national unity». The TFG executive branch moved to Mogadishu on 20 January to show its commitment for stabilizing the situation in the capital, while the parliament stayed in Baydhoa. Simultaneously, international initiatives for bringing the opposed factions in Somalia together gained momentum. The Special Representative of the UN Secretary General, Ahmedou Ould Abdallah, stayed in close contact with the TFG as well as with the Asmara-based opposition leaders Sheikh Sharif Sheikh Ahmed and Sharif Hassan Sheikh Aden. Simultaneously, the US continued its selective operations against alleged terrorists. In March 2008, *Al Shabaab* was designated a terrorist group by the Bush administration. One month later Aden Hashi Farah Ayro, the group's leader, was killed together with dozens of other people, in an US air-strike against a village in central Somalia.²³

2.1.3 The failure of negotiations and the split of the TFG

Talks between the TFG and the ARS took place in Djibouti in May 2008. The parties reached an agreement on 9 June 2008. The central provisions of this Djibouti Communiqué were the cessation of hostilities between the government and the opposition, the joint request to the UN Security Council to deploy an international stabilization force, the withdrawal of the Ethiopian troops from Somalia, the dissociation of the ARS, the provision of humanitarian access, and the establishment of a Joint Security Committee.²⁴ This agreement strongly reflected the positions of the TFG, while the ARS representatives in Djibouti had demanded as a first step the withdrawal of the Ethiopian troops. The remaining ARS leaders in Asmara, particularly Sheikh Hassan Dahir Aweys, plus the militant groups in Somalia, condemned the agreement.²⁵ The ARS effectively split over the communiqué in an Asmara and a Djibouti faction. Within Somalia *Al Shabaab*, the UIC militants, and the Ras Kambooni Brigades, among others, intensified their operations.²⁶

²² Report of the Secretary-General on the Situation in Somalia, 7 November 2007.

²³ Mellenthin, Knut, 3 May 2008: Gezielte «Tötungsaktion»: US-amerikanischer Raketenüberfall auf die somalische Stadt Dhusamareb, *junge Welt*, www.uni-kassel.de/fb5/frieden/regionen/Somalia/usa.html.

²⁴ Report of the Secretary-General on the Situation in Somalia, 16 July 2008.

²⁵ Mellenthin, Knut, 11 June 2008: Ein trügerischer Frieden. Somalia: Abkommen unter UN-Vermittlung geschlossen. Opposition gespalten, *junge Welt*, www.uni-kassel.de/fb5/frieden/regionen/Somalia/frieden.html.

²⁶ Mellenthin, Knut, 7 July 2008: Widerstand in Somalia, *junge Welt*, www.uni-kassel.de/fb5/frieden/regionen/Somalia/waffenstillstand.html.

Between July and October 2008, opposition groups undertook several strategic movements and large scale military operations in southern and central Somalia. The regions Bay and Bakool came largely under the control of the insurgents, with the exception of the town of Baydhoa, where a part of the TFG remained. Also in the regions Gedo and Lower Shabelle the armed opposition expanded its rule. Islamist forces conquered the town of Kismayo, an important port about 450 kilometers south of Mogadishu, on 22 August 2008.²⁷ At the time of writing (mid December 2008), it continues to be under the control of *Al Shabaab*. Between late September and early October 2008, Mogadishu saw some of the heaviest fighting for months, with more than hundred civilians being killed within about two weeks in the city alone. The fighting fully included the AMISOM troops on the side of the TFG.²⁸

Simultaneously, the Joint Security Committee that had been agreed upon in the above mentioned Djibouti Communiqué met three times in Djibouti between August and September 2008. This committee focused on crafting a concrete plan for a ceasefire, the relocation of Ethiopian troops from parts of Mogadishu and Beledweyne, and cooperation with AMISOM in providing security to the areas vacated by Ethiopian troops. On 28 and 29 October 2008, an IGAD meeting was held in Nairobi. In its concluding communiqué, the IGAD member states, except Eritrea, that had suspended its membership in protest against Ethiopia's invasion of Somalia in April 2007,²⁹ urged the Somali parties to implement the ceasefire agreement, to appoint a new cabinet, and to work toward constitutional and legal progress.³⁰ Exactly at the time when this communiqué was announced to the press in Nairobi, five suicide attacks shook northern Somalia (see below, 2.2.6).

The UN Security Council prolonged the AMISOM mission with resolution 1831 on 19 August 2008. Between 11 and 13 October 2008, the second Burundian battalion was deployed to Somalia. The current strength of AMISOM grew to 3400 troops in Mogadishu.³¹ On 15 October 2008, the news that Ethiopian troops were about to withdraw from southern and central Somalia, including Mogadishu and Baydhoa was published by the Sunday Herald.³² The report added that it was planned to evacuate the TFG to Nairobi in Kenya. In fact, recent media reports confirmed that the Ethiopian

²⁷ Security Council Report, 27 August 2008: Monthly Forecast: September 2008, p. 8, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/September%2008%20Forecast%20final%20pdf.pdf.

²⁸ On 22 September 2008 BBC reported «Carnage in Somali market shelling». The report stated that insurgents had launched simultaneous attacks on two African Union (AU) peace keeping bases. In reaction Ethiopian troops fired mortars killing about 40 people, mostly civilians, in Bakara market. This led to renewed attacks of the insurgents. On 23 September BBC reported that «Thousands flee Somali bombardment». Over several days insurgents and peacekeepers were fighting in Mogadishu city. The death toll rose to at least 45. Several thousand civilians fled at least temporarily. The fighting continued and on 24 September Radio Shabelle reported that «Thirteen killed in overnight Mogadishu fighting». On 26 September Radio HornAfrik stated that ten were killed and 20 wounded in fighting in the previous night. On 27 September Radio Simba reported that at least 12 civilians were killed when AU troops attacked Barak market. On 28 September Radio Shabelle reported that AU troops were targeted by an explosion at a strategic junction in the city and in reaction opened fire. The report could not specify the number of casualties involved. Fighting an insecurity continued in Mogadishu and its surroundings in early October. On 8 October the BBC reported that at least 20 people have been killed after shells were fired at Bakara market in Mogadishu; see also: Somalia NGO Safety Preparedness and Support Program (SPAS), reports number 40/08 and 41/08 covering the period from 24 September to 7 October 2008.

²⁹ Sudan Tribune, 23 April 2007: Eritrea suspends its in IGAD over Somalia, online: www.sudantribune.com/spip.php?article21508.

³⁰ Report of the Secretary-General on the situation in Somalia, 17 November 2008.

³¹ Report of the Secretary-General on the situation in Somalia, 17 November 2008.

³² It appeared on several region-specific web-pages, e.g. www.ethiomed.com/accnt/8303.html.

troops were leaving several of their bases in and around Mogadishu.³³ Internally, the TFG continued to be shaken by power struggles between its leading figures. The already tense relationship between President Abdullahi Yusuf and Prime Minister Nuur Adde deteriorated further.³⁴ Despite considerable pressure from Ethiopia both were unable to resume a common government.³⁵ In mid-November 2008, President Abdullahi Yusuf stated in front of Somali parliamentarians in Kenya that «there was no effective government in Somalia, and insurgents were now able to carry out attacks in the capital at will».³⁶ Simultaneously, the crisis of the TFG continued. On 14 December 2008, President Abdullahi Yusuf announced that he had dismissed the Prime Minister. Nuur Adde, however, declared that the President cannot dismiss him, according to the constitution. On 15 December 2008, the parliament and leading members of the cabinet confirmed that they supported the Prime Minister.³⁷ It is obvious that the TFG has split into a minority supporting Abdullahi Yusuf, and a majority backing Nuur Adde. Four years after its establishment in Kenya the TFG is paralyzed and far from establishing any effective authority in Somalia. On 11 November, *Al Shabaab* captured Merka, a port-town nearly 90 kilometers southwest of the capital city. It erected an administration there in early December 2008.³⁸ It is not clear if the Islamic militant groups that partly fight one another will have the strength to take over Mogadishu. AMISOM and Ethiopian troops remain in the city. However, in early December the AMISOM troops announced that they also would withdraw, if Ethiopia pulls out of Mogadishu.

2.1.4 Summary

The political situation in southern and central Somalia was subject to dramatic changes since early 2006. Neither the sudden take over of the UIC, nor its quick defeat in December 2006, had been foreseen by experts and political actors inside and outside of Somalia. Subsequently, the plan of Ethiopia and the USA to crush the Islamists in Somalia and replace them with the externally recognized but internally illegitimate TFG failed. Ethiopia got bogged down in southern Somalia. After two

³³ Shabelle Media Network (Mogadishu): 14 November 2008: Somalia: Ethiopian Troops Withdraw IDPs Quarter, <http://allafrica.com/stories/200811141061.html>; Garoowe Online (Garoowe), 11 December 2008: Somalia: Ethiopia Troops Withdraw From Hiran Region – Again, <http://allafrica.com/stories/200812120015.html>; Missionary International Service News Agency (MISNA), 4 December 2008: Somalia: Ethiopian troops withdraw, clashes in Mogadishu, www.reliefweb.int/rw/rwb.nsf/db900SID/CJAL-7LZSFM?OpenDocument.

³⁴ Originally, tensions between both leaders arose in July 2008 when the Prime Minister and some members of his cabinet decided to dismiss Mohamed Dheere, the mayor of Mogadishu who doubled as a notorious warlord, and was an ally of Abdullahi Yusuf. The President did not accept this move and reinstalled the mayor against the orders of the Prime Minister. After interferences by Somali and Ethiopian mediators, Mohamed Dheere finally stepped down in early September 2008; Security Council Report, 27 August 2008: Monthly Forecast: September 2008, p. 7, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/September%2008%20Forecast%20final%20pdf.pdf; Security Council Report, October 2008: Somalia, www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.4559909/k.F36C/October_2008_br_Somalia.htm.

³⁵ End of November 2008 members of the TFG and the ARS opposition-faction in Djibouti agreed to double the number of parliamentarians from 275 to 550. The official aim was to make the TFG more inclusive. President Abdullahi Yusuf, however, was strongly against this move and declared the new government illegal; Xinhua, 4 December 2008: Somalia's Puntland leader opposes Djibouti peace deal, http://news.xinhuanet.com/english/2008-12/04/content_10456601.htm.

³⁶ Bamford, David: Somali head admits militant gains, BBC News, 15 November 2008.

³⁷ BBC (Radio) Somali Service: Somali News, 14 December 2008, 9pm, and 15 December 2008, 9pm.

³⁸ Reuters, 12 November 2008: Somalia's al Shabaab seize port near capital, www.reuters.com/article/homepageCrisis/idUSLC588010.CH_2400.
BBC (Radio) Somali Service: Somali News, 7 December 2008, 9pm.

years of extreme violence that led to the large scale population displacement in Mogadishu and its environs, Ethiopia is about to withdraw from most of its positions in southern and central Somalia. The TFG is paralyzed by internal power struggles between the President and the Prime Minister. Simultaneously, the President of the TFG admits defeat in the face of insurgents taking over power in much of central and southern Somalia. The latter are mostly Islamic militants belonging to various and difficult to define splinter groups of the previous umbrella organizations of the UIC and the ARS. In mid December 2008 they are advancing Mogadishu, where some Ethiopian troops and the AMISOM are remaining. These Islamic militants are battle-hardened and most probably include much less moderate elements than the UIC did in 2006. However, they lack internal unity and common leadership.

2.2 Somaliland and Puntland

2.2.1 The UIC and northern Somalia in 2006

The political developments in southern and central Somalia also influenced the situation in northern Somalia. Since its unilateral secession from the rest of Somalia in May 1991, the people in Somaliland in the northwest have managed to rebuild a stable and peaceful polity. In recent years, political reforms were introduced that lead to an increasing democratization of the country.³⁹ Puntland in the northeast exists since August 1998 as federal state of a future Federal Republic of Somalia. It is based on power sharing between the various Harti clans inhabiting its territory.⁴⁰ The UIC that came to power in 2006 in southern and central Somalia combined an Islamist with a national or even (Pan-)Somali agenda. It was strongly against the «secular» and Ethiopian-backed TFG, and aimed at the reconstruction of a strong Somali nation-state, including Somaliland and Puntland, and possibly even the Somali region of Ethiopia. Thus the governments in Hargeysa (Somaliland) and Garoowe (Puntland) were alerted about the events in Mogadishu in mid 2006.

In Somaliland, particularly the town of Bur'o in the centre of the country was considered to be the home of sympathizers with the UIC. But also in other places in Somaliland, including the capital city of Hargeysa, religious and traditional leaders directly or indirectly spoke out in favor of the UIC.⁴¹ In September 2006, Sheikh Mahamed Ismail was arrested by the Somaliland authorities. A video allegedly showing his torture by local police circulated on Somali and Islamist homepages and evoked strong reactions within the wider Somali community.⁴² The Shura Council of the UIC decided to take actions against the «unbelievers» in the north; in this context it was

³⁹ Jimcaale, Cabdiraxmaan, 2005: Consolidation and decentralization of government institutions, in War-torn Societies Project (ed.): *Rebuilding Somaliland: issues and possibilities*, Lawrenceville, N.J. [u.a.]: Red Sea Press: 49-121.

⁴⁰ Hagmann, Tobias and Markus V. Hoehne (forthcoming 2009): Failures of the state failure debate: Evidence from the Somali territories, *Journal of International Development*, 21, pp. 42-57.

⁴¹ At one occasion, after his Friday speech, a famous Sheikh in Hargeysa, who was known to have relations to the UIC, called for support for the people in the south who had been hit by a flood. The people in the mosque in Hargeysa suspected the sheikh to work for the UIC and rose against him. He had to leave the mosque under police protection. In another case, the Sultan of a large clan in and around Hargeysa announced that his clan was under Islamic rule. Subsequently, the traditional leader was briefly detained by Somaliland police forces; personal communication with Ahmed Abdullahi Duaale and Mahamed Hassan Ibrahim, Hargeysa, December 2008.

⁴² Weinstein, Michael A., 16 October 2006: War Clouds Loom over Somalia as Military Fronts Open Up Amid a Flurry of Diplomacy, www.pinr.com/report.php?ac=view_report&report_id=569&language_id=1.

reported that «suicide bombers» from the south were «heading for Somaliland».⁴³ UIC leaders also sought to undermine the stability of Somaliland by instigating demonstrations against the government in Hargeysa in various places, such as Bur'o, Lasanod, Buuhoodle, and Erigabo.⁴⁴ Hassan Dahir Aweys of the UIC accused the Somaliland people of worshipping «an idol called Peace» instead of Allah.⁴⁵ The government of Somaliland as well as the independent newspapers in the country reacted by mobilizing the local population in TV programs, radio, and newspapers against the enemy in the south. They reminded the people in the northwest of the continuities between the old Somali regime under Siyad Barre (1969–1991) and the UIC in Mogadishu in 2006. Many of the UIC leaders, such as Hassan Dahir Aweys, Hassan Turki, and others, had been military officers in the Somali army before 1991. Those had been the enemies of the Somali National Movement (SNM) that had liberated the northwest from Barre's dictatorship.⁴⁶ On the other hand, the UIC and Somaliland had a common enemy in the TFG and its President. Abdullahi Yusuf, who had been the first President of Puntland (1998–2004), remained Somaliland's «arch-enemy», as will be outlined below (2.2.3).

Puntland was directly involved in the political and military developments in southern and central Somalia. After Abdullahi Yusuf had become head of the TFG in October 2004, the government of Puntland in Garoowe, under the new President Mahamuud Hirsi Muuse Adde (aka Adde Muuse) continued to support Abdullahi Yusuf. It sent a number of Puntland soldiers to the southern and central regions of Somalia. UIC fighters advanced toward Mudug region that is divided between central Somalia and Puntland. The Islamists clashed several times with Puntland troops between August and November 2006. In early November 2006 a UIC spokesman in Mudug region announced that they were now planning to march toward Gaalkayo, a major town marking Puntland's southern border. At the same time, the government in Garoowe got under pressure by some of the region's religious leaders who were related to the UIC.⁴⁷ In order to keep the peace inside the country, President Adde Muuse announced the adoption of Shari'a law in Puntland in November 2006.⁴⁸ Until the fall of the courts in late December 2006 the UIC did not manage to enter Puntland by force. Reportedly, Ethiopian troops were deployed in and around Gaalkayo in order to defend the autonomous region in north-eastern Somalia.

2.2.2 Internal conflicts in Somaliland 2007

Throughout the year 2007, the government in Hargeysa was involved in struggles over basic civil and political rights. One conflict concerned the freedom of expression in the daily newspapers. Several newspapers have been established in Soma-

⁴³ Afrol News / Awdal News Network, 17 October 2006: Suicide bombers «heading for Somaliland», www.afrol.com/articles/21969.

⁴⁴ Afrol News / Awdal News Network, 17 October 2006: Suicide bombers «heading for Somaliland», www.afrol.com/articles/21969.

⁴⁵ Afrol News / Awdal News Network, 17 October 2006: Suicide bombers «heading for Somaliland», www.afrol.com/articles/21969.

⁴⁶ Personal communication with Ahmed Abdullahi Duaale, Hargeysa, 6 December 2008.

⁴⁷ In the early 1990s, the Al Ittihad Al Islami (AIAI), the first Islamist military force that participated in the Somali civil war, briefly established its control over Boosaasso, the most important port in northeast Somalia. The AIAI was defeated by Abdullahi Yusuf in 1992. Many Al Ittihat leaders and fighters were either killed or fled south. Some, however, particularly those belonging to local clans, stayed in the region.

⁴⁸ IRIN, 21 November 2006: SOMALIA: Puntland to adopt Islamic law, www.irinnews.org/Report.aspx?ReportId=61619.

liland since 1991.⁴⁹ In the past, the relation between government and the newspapers, particularly the independent papers *Jamhuuriya* and *Haatuf*, was not without tensions; yet in general, freedom of expression prevailed.⁵⁰ The situation changed dramatically in 2007. On 2 January 2007 armed police raided the office of *Haatuf*. The managing editor, Yusuf Abdi Gaboobe, who resisted the operation, and the editor, Ali Abdi Diini, were arrested without warrants. Later, warrants were issued against two more journalists. Of these, Muhammed-Rashid M. Farah escaped to Ethiopia, while Muhammad Omar Sheekh was detained. The crackdown on *Haatuf* took place in connection with articles published between late November 2006 and early January 2007 that criticized Somaliland's President Dahir Rayaale Kahin handling of a land dispute in Boorama, his home town, and accused his wife of corruption. There was public outcry in Somaliland, the diaspora, and internationally, against the allegedly illegal proceedings of the Hargeysa regional court. The trial of the journalists was held in Mandeera police station, next to the high security prison. Mandeera, however, is not within the jurisdiction of the Hargeysa regional court. Moreover, the charges and the applicability of the penal code of the country were contested by the lawyers of the journalists. Despite serious legal reservations against the proceedings, the court continued the trial. In March 2007 the four *Haatuf* journalists were sentenced to several years of imprisonment. In addition, the court ordered the *Haatuf* Media Network (HMN), the publisher of the newspaper, to pay a fine and called for the suspension of the HMN's license.⁵¹ On 29 March 2007, President Kahin pardoned the journalists. HMN continued publishing. In November 2007, however, the government proposed a new media bill to the parliament. The new bill is modeled on the Yemeni press law. It strengthens the influence of the government on the media and introduces considerable criminal sanctions against journalists and media that break their obligations under the bill.⁵² Most journalists and civil society activists in Somaliland are against the new bill. While this bill has not yet been adopted, it became clear that the government in Hargeysa increasingly perceives independent journalism with suspicion.

In April 2007, a group of Somaliland intellectuals, former politicians and businessmen formed the *Qaran* Party (Nation Party) in Hargeysa. In the following month, the party opened branches in different towns of Somaliland. The government of Somaliland argued that *Qaran* was illegal since article 9 of the constitution of the country allows the existence of only three political parties. The leadership of *Qaran* and its followers, on the other hand, stressed that article 22 of the constitution provides that «every citizen shall have the right to participate in the political, economic, social and cultural affairs in accordance with the laws and the Constitution».⁵³ While these contradictions were not yet clarified satisfactorily, the government already took action. On 13 July 2007 a meeting of the *Qaran* Party in a hotel in the town of Gabiley, west of Hargeysa, was dissolved by the local police. The meeting continued outside of the hotel.⁵⁴ On 28 July 2007, the leaders of the *Qaran* Party, Mohamed Abdi Gabose,

⁴⁹ All of them are printed in the capital city of Hargeysa.

⁵⁰ Occasionally editors or journalist of the independent newspapers were arrested. They usually were released within hours and continued their government critical journalism.

⁵¹ Amnesty International, 2 February 2007: Somalia: Prisoners of conscience/incommunicado detention/fear of ill-treatment, www.amnesty.org/en/library/info/AFR52/002/2007/en; Amnesty International, 19 February 2007: Prisoners of conscience/incommunicado detention/fear of ill-treatment/legal concern, www.amnesty.org/en/library/info/AFR52/003/2007/en.

⁵² Hoehne, Markus V. 2008: Newspapers in Hargeysa: Freedom of speech in post-conflict Somaliland, *Afrika Spectrum*, 43/1, pp. 91-114.

⁵³ Constitution of the Republic of Somaliland, English translation, www.somalilandlaw.com.

⁵⁴ Somaliland Times, issue 286, 14 July 2007: Police Prevent Qaran Party Meeting in Gabiley,

Mohamed Hashi Elmi, and Jamal Aideed Ibrahim were arrested in Hargeysa for allegedly engaging in unauthorized political activities with the intent to cause subversion. Again, as in the previous case of the Haatuf journalists, local and international civil society activists condemned the court proceedings as illegal. The proceedings were held in Mandera police station, far away from Hargeysa, and in fact largely followed the ones in the case of the *Haatuf* journalists.⁵⁵ The three party leaders were sentenced on 20 August 2007 to three years and nine months in prison, and a five year ban from holding public office for an array of sedition charges and for illegally forming a political party.⁵⁶ In late December 2007, the *Qaran* leaders were released from prison on order of the President of Somaliland. The ban from holding public office remained in force. In early 2008, *Qaran* formed a joint opposition committee together with Kulmiye, Somaliland's leading opposition party. Its aim is to remove President Dahir Rayale Kahin from power in the next Presidential elections scheduled for spring 2009.⁵⁷

2.2.3 The conflict between Somaliland and Puntland

Since the establishment of Puntland in 1998, Somaliland and Puntland are in conflict over the regions Sool, eastern Sanaag, and southern Togdheer. Both governments in northern Somalia claim these regions as part of their respective state-territories. These territories have been included by the borders of the former British Protectorate of Somaliland. Upon secession in 1991, Somaliland re-claimed these borders. Most Isaaq residing in central and western Somaliland supported the independence of Somaliland. Yet, many members of the Harti-clans residing in the east, in the just mentioned regions, were against the break-up of Somalia. Consequently, they sided with Puntland when it was founded in August 1998. Puntland aims at the re-establishment of Somalia.⁵⁸ In this context, Abdullahi Yusuf, who was President of the autonomous regional state in the northeast from 1998 to 2004, became Somaliland's «arch enemy». Also as TFG President, since October 2004, he repeatedly announced that he perceives Somaliland as part of Somalia.⁵⁹

The conflict between Somaliland and Puntland over the contested regions escalated on a military level since December 2002, when the President of Somaliland was attacked by Puntland forces during his visit to Lasanod, the capital city of Sool region. Subsequently, the local rump-administration of Somaliland was withdrawn from the town. In late 2003 and early 2004, Puntland troops occupied Lasanod. Hargeysa reacted by sending troops, and both sides faced each other along a front line west of Lasanod. On 29 October 2004 a serious battle erupted between the two forces, with dozens of soldiers being killed and wounded. The engagement of local traditional authorities and civil society actors, as well as the limited military and financial ca-

www.somalilandtimes.net/sl/2007/286/201.shtml.

⁵⁵ Amnesty International, 23 August 2007: Opposition party leaders jailed after unfair trial in Somaliland, www.amnesty.org/en/library/info/AFR52/014/2007.

⁵⁶ Somaliland Times, issue 291, 18 August 2008: Qaran Leaders' Trial Opens in Madndera Jail's Vicinity, www.somalilandtimes.net/sl/2007/291/1.shtml; Somaliland Times, issue 293, 25 August 2008: Harsh Sentence for Qaran Party Leaders, www.somalilandtimes.net/sl/2007/293/3.shtml.

⁵⁷ Somaliland Times, issue 311, 5 January 2008: Kulmiye and Qaran form an alliance against Rayale, www.somalilandtimes.net/sl/2007/311/3.shtml.

⁵⁸ Hoehne, Markus V., 2007: From pastoral to state politics: Traditional authorities in Northern Somalia, in: Buur, L. and Kyed H.M. (eds.). State Recognition and Democratisation in Sub-Saharan Africa: A New Dawn for Traditional Authorities? Palgrave: New York, pp. 155-182, pp. 165-171.

⁵⁹ Eldoret: Cabdullaahi Yusuf «Soomaaliya lama qeybin karo» [Somalia cannot be divided], www.mudugonline.com/2003/January/230103maanta.htm; Somaliland will not cooperate with «Warlord» Yusuf, www.unpo.org/content/view/1889/236/.

capacity of the parties to the conflict prevented further fighting.⁶⁰ In April 2007, however, both sides fought again near a village called Dahar, in eastern Sanaag region. A more serious confrontation followed in Sool region in October 2007. The immediate context was characterized by some internal turmoil within the government of Puntland in Garoowe. The minister of interior, who by clan belongs to the local community in Sool region, had lost his position after some misunderstandings with Adde Muuse, the President of Puntland. In reaction, the ex-minister mobilized his sub-clan against Puntland and approached the government of Somaliland for help. Hargeysa took its chance. Garoowe's position was weakened by the engagement of its troops in southern and central Somalia (see above, 2.2.1). In early October 2007, the Somaliland forces in alliance with the local sub-clan militias drove the Puntland army out of Lasanod. The fighting resulted in dozens of people killed and wounded. Thousands of inhabitants of Lasanod temporarily fled the town.⁶¹ Somaliland took over the control of the town and still holds it at the time of writing (mid December 2008).

2.2.4 Piracy and criminality in Puntland 2007–2008

Since mid 2007, the general security situation in Puntland in the northeast of the Somali peninsula is deteriorating. North-eastern Somalia made international headlines as a hotbed of piracy in the Horn of Africa in 2008. In this year alone, more than a hundred ships have been attacked and dozens have been hijacked. High ransom sums have been paid to pirates by foreign companies and governments in order to free their ships and citizens.⁶² The known centers of piracy are the towns of Harardheere and Eyl in central Somalia's Mudug region and in south-eastern Puntland, respectively. Piracy in the Horn of Africa has a long history. Yet, the most recent wave of attacks on ships passing through the Gulf of Aden and along the Somali coast is clearly related to the current situation of Somalia. Originally, some pirates have been fishermen who had been deprived of their living by illegal fishing fleets from Asia and Europe that preyed on Somali waters in the absence of a stable Somali government. These «early» pirates saw themselves as guards of the Somali coast. During the months of UIC rule in southern and central Somalia, piracy along the Somali coast came to a standstill.⁶³ The pirates returned, however, in the wake of general lawlessness and escalating violence in 2007 and 2008 (see above, 2.1.2). Also the weakening of Puntland's administration in the northeast contributed to their comeback. Recently, the reception of large ransom payments turned piracy in a highly lucrative business for the impoverished locals along the coast. Many of them now make a living from piracy. Reportedly, even some businessman from abroad invested in the pirates' endeavors.⁶⁴ Piracy along the eastern coast of Puntland profits from the remoteness of the area that is extremely difficult to access by land and

⁶⁰ Hoehne, Markus V., 2006: Political identity, emerging state structures and conflict in Northern Somalia, in: *Journal of Modern African Studies*, Vol.44 No.3, pp 397-414.

⁶¹ Hoehne, Markus V., 2007: Puntland and Somaliland clashing in northern Somalia: Who cuts the Gordian knot?, published online on 7 November 2007, <http://hornofafrica.ssrc.org/Hoehne/>.

⁶² The estimated amount of ransom payments in 2008 ranges between 30 and 150 million US \$.

⁶³ Hansen, Stig Jarle, December 2006: Pirates of the Horn, www.skuld.com/upload/News%20and%20Publications/Publications/Beacon/Beacon%202006%20188/188%20page%2012-15.pdf.

⁶⁴ Pflüger, Thomas, 23 October 2008: Gefährliche Gewässer, junge Welt, www.uni-kassel.de/fb5/frieden/themen/Globalisierung/piraten2.html; BBC News, 21 November 2008: World only cares about pirates, <http://news.bbc.co.uk/1/hi/world/africa/7740417.stm>; Haatuf, 8 December 2008: Budhcad Badeeda Somaliaa oo shir ay yeesheen ku dhistay guddi maamusha [Somali pirates held a meeting and established an administration].

by sea.⁶⁵ There are a number of small bays and natural harbors offering hide outs to pirates.

The most spectacular catches of the pirates were a Ukrainian ship with a load of arms, including 33 tanks, destined for either Kenya or Southern Sudan, and a Saudi super tanker. These two ships were hijacked in late September and mid November 2008, respectively.⁶⁶ They are still held by pirates before the Somali coast, together with more than a dozen other ships and approximately 200 crew members. The government of Puntland in Garoowe obviously lacks the means, and possibly also the will, to prevent piracy within its territory.⁶⁷ Simultaneously, criminality and violence increased in the interior of Puntland. Armed gangs operated in the large towns such as Boosaaso, Garoowe and Gaalkayo. In 2008, several foreigners have been kidnapped in Puntland, particularly in and around Boosaaso in the north. Most recently, in late November 2008, a British and a Spanish journalist have been abducted in Boosaaso.⁶⁸

On 2 June 2008, the UN Security Council adopted resolution 1816. This resolution allows states that cooperate with the TFG and fight piracy to enter the territorial waters of Somalia and fight piracy there.⁶⁹ Recently, several member states of the European Union (EU) as well as other states took steps to prevent further piracy along the Somali coast. On 19 September, the EU decided to participate in anti-piracy campaigns along Somalia's coast through the so called Atlanta mission.⁷⁰ «Six ships and three surveillance planes from at least eight EU countries, including the UK, France and Germany, will escort aid and merchant ships.»⁷¹ In early December 2008, further steps to effectively fight piracy along the Somali coast were discussed internationally. On 16 December 2008, the UN Security Council followed a text proposal by the USA and adopted Resolution 1851 that allows the external forces fighting pirates in Somalia to use all necessary means on land as well as at sea.⁷²

2.2.5 Preparing Presidential elections in Somaliland and Puntland

Both Somaliland and Puntland are preparing for Presidential elections that are scheduled for early next year (Puntland: January 2009; Somaliland: March 2009). In Somaliland, there were some tensions in 2007 regarding the work of the National Electoral Commission (NEC). The President, the parliament and the two opposition parties, who have the right to nominate the seven members of the NEC could not agree on the members of the commission. The bones of contention were, first, clan representation, and second, the role of women within the NEC. Between February and

⁶⁵ Observations of the author who travelled by car from Garoowe to Eyl in December 2003.

⁶⁶ Mellenthin, Knut, 4 October 2008: Der Seeräuber-Krimi, junge Welt, www.uni-kassel.de/fb5/frieden/regionen/Somalia/piraten2.html; Engelhardt, Marc, 19 November 2008: Fette Piratenbeute, taz.

⁶⁷ There are rumors that leading figures in Puntland have a share in the piracy; personal communication with anonymous source, Hargeysa, 3 December 2008.

⁶⁸ International Herald Tribune, 27 November 2008: 2 western journalists kidnapped in pirates' haven in Somalia, www.iht.com/articles/2008/11/27/africa/27somalia.php.

⁶⁹ S/RES/1816 (2008).

⁷⁰ Pflüger, Thomas, 23 October 2008: Gefährliche Gewässer, junge Welt, www.uni-kassel.de/fb5/frieden/themen/Globalisierung/piraten2.html.

⁷¹ BBC News, 8 December 2008: EU to begin Somali pirate controls, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/7770490.stm>.

⁷² Besheer, Margaret, 16 December 2008: UN Security Council Authorizes Pursuit of Pirates on Somali Land, www.voanews.com/english/2008-12-16-voa62.cfm.

September 2007, the issue of nomination went back and forth between the different actors and the Supreme Court. Finally, an electoral commission was established in late 2007 with a five years mandate to manage election processes.⁷³

In October 2008, the voters' registration started in Somaliland. In this context, all citizens of the country are called upon to register in their respective home areas. Voting cards and ID cards containing the photograph and fingerprint of the card holder are issued. The registration proceeds from west to east within the country. In the western regions Awdal, Saaxil, and Maroodi Jeex (former Waqooyi Galbeed), the process concluded on 5 December 2008.⁷⁴ In the central and eastern regions of Somaliland voters' registration is supposed to be completed by the end of the year. However, there are a number of possible political problems involved. First, after the recent bombings in Somaliland (see below, 2.2.6) people are afraid that terrorists could try to sabotage the voters' registration that is crucial for the further political developments in Somaliland. Second, it is so far not clear if the registration will also take place in the areas inhabited by the Harti clans that are contested between Somaliland and Puntland (see above, 2.2.3).

The preparations for the Presidential elections in Puntland differ in many regards from what is going on in Somaliland. In Puntland, the President will be elected by the 66 clan-representatives sitting in the parliament. Currently, the parliament has been dissolved. The parliamentarians are dispersed all over the northeast in order to gain the confirmation of their respective clans and sub-clans that they shall continue to serve as their representatives in the government in Garoowe. In case an individual does not enjoy the support of his family any more, a new candidate can be sent to the parliament. In early January, the confirmed parliamentarians will elect the President, out of more than ten competing candidates.⁷⁵ The elections in Puntland involve several political and security risks. First, the fact that a relatively limited number of clan-representatives *cum* parliamentarians will elect the President offers wealthy candidates and particularly the current incumbent, Adde Muuse, who oversees the national resources of Puntland, the possibility to influence voters through bribes.⁷⁶ This can lead to conflict within the country. Second, and somewhat less probable, the elections in Puntland could also trigger renewed fighting with Somaliland over the contested territories between both polities, as the new leader of Puntland may wish to show his strength.⁷⁷

2.2.6 The suicide attacks of 29 October 2008

Most recently, the stability of Somaliland and Puntland was shaken by five concerted suicide bomb attacks on 29 October 2008. In Hargeysa, the capital city of Somaliland, the Presidential Palace, the UNDP compound and the Ethiopian liaison office were attacked. In Puntland, two offices of the Puntland Intelligence Service (PIS) in

⁷³ Mohamed Hassan Ibrahim, 2007: NEC on a Rope? The Need for Good Leadership, The Academy Today Issue 1, Vol.1, April 2007.

⁷⁴ Several new regions were created by the government of Somaliland after 1991. These, however, are not included in the official maps of Somalia, as the Map I in the appendix.

⁷⁵ HR Media, 1 November 2008: Puntland elections campaign starts, <http://horsemedia.net/english/5842/>.

⁷⁶ Personal communication with anonymous source, Hargeysa, 3 December 2008.

⁷⁷ Puntlands potential to engage militarily with Somaliland, of course, depends on a multitude of factors, ranging from the future developments in the south to the individual profile of the future President, and the situation in Somaliland at this time.

the town of Boosaaso were bombed. In total, more than 20 people were killed and about 30 were injured. It is commonly suspected that the perpetrators were closely related to Islamic militants in southern and central Somalia, which, however, does not mean that the perpetrators were all «southerners».⁷⁸ The security forces in Somaliland, with international support, were able to identify some of the perpetrators. At least one of the attackers belonged to a clan inhabiting Hargeysa and its environs. One other suicide bomber probably was a Somali who had come back from the USA. The attacks happened simultaneously to a press conference held in Nairobi at which the IGAD discussed the situation in Somalia and finally urged the TFG and the Djibouti faction of the ARS to implement their earlier agreements (see above, 2.1.3). While nobody officially took responsibility for the attacks Dahir Rayaale Kahin, the President of Somaliland, accused *Al Shabaab* of being behind the bombings in a press conference held in Hargeysa on 30 November 2008.⁷⁹ Arguably, the attacks had the aim to end the relative peace and stability particularly in Somaliland and Puntland, to undermine Somaliland's independence, and to «punish» Ethiopia, the TFG, the USA (which, through the CIA, cooperates with the PIS in Puntland)⁸⁰, and the UN for their involvement in southern Somalia.⁸¹

2.2.7 Summary

The developments in northern Somalia between early 2006 and the end of 2008 followed quite different trajectories than those in southern and central Somalia. The politics in Somaliland and Puntland in general underwent less dramatic changes. Nonetheless, both political entities in the north faced a number of internal challenges, provided by the struggle for democratization in Somaliland and the increase of piracy and criminality in Puntland. Moreover, the military clashes between Somaliland and Puntland in 2007, and the suicide attacks from 29 October 2008 show that the relative stability and peace of the north is threatened. The ongoing conflict over the contested regions of Sool, eastern Sanaag and southern Togdheer, as well as the clandestine relationships between militants from northern, southern and central Somalia have the potential to undermine what has been achieved in the north.

⁷⁸ There are manifold relations between northern as well as central and southern Somalia. Large Somali businesses operate throughout the Somali peninsula, and refugees from southern and central Somalia seek refuge in the north. More worrisome, however, is that a small but dedicated group of youngsters from Somaliland (and possibly also Puntland) joined *Al Shabaab* in Mogadishu in their fight against the Ethiopian and the TFG troops; Blogspot News, 11. 2008: Magacyada Rag Ka Soo Jeeda Somaliland Oo Al-Shabaab Ah Oo La Baahiyay, [The names of the men who are reportedly part of *Al Shabaab*], <http://waridaad.blogspot.com/2008/11/magacyada-rag-ka-soo-jeeda-somaliland.html>.

⁷⁹ The Republican, 6 December 2008: President blames attack on Al Shabaab, Hargeysa.

⁸⁰ The PIS was established by Abdullahi Yusuf in his time as President of Puntland and many PIS officers are his close patrilineal relatives.

⁸¹ Hoehne, Markus V., 2008: The bombings in Somaliland and Puntland – an attempt to drag the north into the politics of violence of southern Somalia, Horn of Africa Bulletin Vol. 20 No. 10, November 2008, pp. 4-6.

3 Security Situation

3.1 Southern and Central Somalia

The few months of UIC rule were the most stable and peaceful phase in Mogadishu since the collapse of the government of Siyad Barre in 1991. «[M]any Somalis embraced the Courts for having rid Mogadishu of warlords and criminal militia gangs, and for restoring a much greater level of law and order to the city than it had seen in 15 years. This “performance legitimacy” stood in stark contract to the woeful governance record of most other regional and factional administrations in Somalia — including the TFG. For many Somalis, the Courts appeared to be the long-sought solution to years of state collapse, reason enough to support the Islamists.»⁸² According to Marchal, «the Islamic Courts were initially local responses to the lack of security. Their creation followed more or less the same format. In a war-torn urban environment, some zones were numerically dominated by a clan. In several cases, because of gang violence, the clan elders decided to form an Islamic Court. When naming members, they were careful to choose judges who represented the diverse spectrum of Islam in Somalia.»⁸³ Some courts, however, such as the *Ifkahanle* court in southern Mogadishu, were lead by more radical Islamists.⁸⁴ In general, Shari’a courts had court militias at their disposal that served as «police forces».⁸⁵ In mid 2006 this «model» of providing basic local security was extended into the other areas in southern and central Somalia that successively came under UIC control.

The security situation in southern and central Somalia deteriorated again drastically with the take over of Mogadishu through the Ethiopian and TFG troops in December 2006. Menkhaus concluded that the war between the UIC and Ethiopia/the TFG led to the descent of Mogadishu «into some of the worst fighting, displacement and human suffering the capital had experienced in 15 years.»⁸⁶ Human Rights Watch continued that «since January 2007, residents of Mogadishu, the Somali capital, have been gripped by a terrifying campaign of violence that has killed and injured hundreds of civilians, provoked the largest and most rapid displacement of a civilian population for many years, and shattered the lives, homes and livelihoods of thousands of people».⁸⁷ Due to the heavy fighting between insurgents, on the one hand, and the TFG and the Ethiopians, on the other, much of southern and central Somalia plunged again general lawlessness.⁸⁸ The deployment of Ugandan and Burundian

⁸² Menkhaus, Ken, 2007: The crisis in Somalia: Tragedy in five acts, African Affairs 106/204, pp. 357-390, p. 371.

⁸³ Marchal, Roland: Somalia: A new front against terrorism, 5 February 2007, <http://hornofafrica.ssrc.org/marchal/printable.html>.

⁸⁴ Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue, pp. 45-46.

⁸⁵ On this local basis, shari’a courts already had provided some security and Islamic justice in warlord-ridden Mogadishu since the mid 1990s; see: Menkhaus, Ken, 2004: Somalia: State Collapse and the threat of terrorism, Adelphi Paper 364, Oxford; Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue.

⁸⁶ Menkhaus, Ken, 2007: The crisis in Somalia: Tragedy in five acts, in: African Affairs, 106/204, pp. 357-390, p. 380.

⁸⁷ Human Rights Watch, 12 August 2007: Shell-Shocked. Civilians under siege in Mogadishu, www.hrw.org/sites/default/files/reports/somalia0807webwcover.pdf, p. 3.

⁸⁸ BBC, 11 January 2007: Fears stalk Somalia’s capital once again, <http://news.bbc.co.uk/2/hi/africa/6252359.stm>; BBC, 19 February 2007: «Anti terror force» for Somalia, <http://news.bbc.co.uk/2/hi/africa/6375699.stm>; BBC, 19 April 2007: Heavy shelling in Somali capital, <http://news.bbc.co.uk/2/hi/africa/6572453.stm>.

peacekeeping forces as part of AMISOM did not change the situation. To the contrary, the presence of foreign troops in Somalia ignited new tensions and provoked armed resistance.⁸⁹ In 2007 and 2008, Islamic plus Hawiye clan militias regrouped and reorganized in order to destabilize the TFG government and its foreign supporters.

In his report to the UN Security Council, dated 7 November 2007 the UN Secretary General stated that the situation in Mogadishu remained volatile, with daily attacks by insurgents, and counter attacks by Ethiopian and TFG forces (paragraphs 15 to 21). He confirmed that Somalia is awash with arms, and civilians are regularly caught up in fighting, since none of the armed groups in the conflict, particularly in Mogadishu, discriminates between combatants and civilians. In his report from 14 March 2008 the UN Secretary General outlined that nearly 300'000 people had fled the capital due to fighting since the end of October 2007, and the delivery of humanitarian aid was seriously hindered by ad hoc taxation, roadblocks, piracy and hijacking of humanitarian aid and violent attacks (paragraphs 47 to 48). The report of the Secretary General, dated 16 July 2008, pointed to the continuation of the Islamist insurgency against the TFG and the Ethiopians. It maintained that insecurity reigned in southern and central Somalia. This report also noted the increase of criminality (paragraphs 17 to 21). In paragraph 23 of his most recent report, dated 17 November 2008, the Secretary General stressed that «between July and October the security situation in south-central Somalia deteriorated dramatically.» He continued that the arms embargo on Somalia is persistently violated, and that general lawlessness prevails in southern and central Somalia. This includes piracy, armed robbery, and kidnapping. «The cumulative effects of past neglect and poverty have also worsened the situation» (paragraph 23).

A particular security threat to anybody travelling in southern and central Somalia in 2007 and in 2008 were the large number of checkpoints around and inside Mogadishu and along the main roads in southern and central Somalia.⁹⁰ These checkpoints were operated by TFG soldiers, insurgents, or gangsters/criminals. Clearly, even the checkpoints operated by TFG soldiers did not function in a benign way. To the contrary, according to Menkhaus «uncontrolled and predatory TFG security forces, along with opportunistic criminal gangs, have erected over 400 militia road blocks (each of which demands as much as 500 US \$ per truck to pass) and have kidnapped local aid workers for ransom.»⁹¹ Menkhaus added that «another worrisome problem is the complete autonomy of various security forces – the national police, the army, the Mogadishu city police, and the national security service – from the TFG. These security forces are de facto paramilitaries led by commanders who hold official title in the TFG but who refuse to answer to cabinet ministers and who are increasingly acting like warlords. Because many of the rank-and-file are unpaid, they are themselves acting more like armed gangs than law enforcement forces.»⁹² Violence and insecurity also affect the international NGOs and UN organizations that operate in southern and central Somalia. It was estimated that at least 29 humanita-

⁸⁹ Red Team Report: Somalia; March 2007; Key Areas: Somalia: Islamic Extremism, Clan Politics Insurgency; BBC, 8 March 2007: African force ambushed in Somalia, online: <http://news.bbc.co.uk/2/hi/africa/6428969.stm>.

⁹⁰ The UN Secretary-General mentioned in his report dated 16 July 2006 «almost 400 roadblocks and checkpoints country-wide» (paragraph 52).

⁹¹ Menkhaus, Ken, 2008: Somalia: A country in peril, a policy nightmare, ENOUGH Strategy Paper (September 2008), p. 4.

⁹² Menkhaus, Ken, 2008: Somalia: A country in peril, a policy nightmare, ENOUGH Strategy Paper (September 2008), p. 7.

rian workers have been killed in Somalia in 2008 alone (as of 8 December 2008).⁹³ The delivery of humanitarian aid became difficult if not impossible in some areas.⁹⁴

To sum up: after a short period of stability in mid 2006, the security situation in southern and central Somalia constantly deteriorated from early 2007 onward. Mogadishu and much of southern and central Somalia are danger-zones for ordinary Somali citizens, as well as for international staff and humanitarian aid workers. Recently, the Sunday Herald estimated that «the ongoing conflict [since January 2007] has claimed the lives of at least 9000 civilians and forced more than 1.1 million to flee their homes». The report added that currently, «almost half of the population [of Somalia] – 3.2 million people – are in need of emergency aid (the figure has almost doubled in the last 12 months).»⁹⁵

3.2 Somaliland and Puntland

In the central regions of Somaliland the state institutions, including police and military, work relatively well. In fact, no major armed conflicts happened there since 1997. The peace and stability from the town of Bur'o to the west contrasts with the continued insecurity in the eastern regions of Somaliland, particularly in the areas contested between Somaliland and Puntland. Lasanod, the capital of Sool region, was controlled by Puntland from early 2004 to October 2007, when the Somaliland army conquered the town (see above, 2.2.3). Apart from the ongoing armed confrontation, the contested regions of Sool, eastern Sanaag, and southern Togdheer are characterized by the absence of effective state structures. Nominal administrations of Somaliland and/or Puntland exist in several places throughout these regions. The real power, however, lies with «traditional» authorities heading clans and sub-clans.⁹⁶ These authorities face enormous political and economic challenges as de facto administrators in politically contested and simultaneously peripheral regions.⁹⁷ In this context, conflicts and armed clashes within and between various clans and sub-clans – mostly over local resources – erupt frequently, and law and order is difficult to sustain. After the Somaliland army had taken over Lasanod some basic administration was established there. Most of the countryside, though, remains out of the reach of state control.⁹⁸

⁹³ Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf, p. 5.

⁹⁴ Security Council Report, 27 August 2008: Monthly Forecast: September 2008, p. 8, www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/September%2008%20Forecast%20final%20pdf.pdf.

⁹⁵ Sunday Herald, 11 October 2008: Troop pull-out leaves government on brink, www.sundayherald.com/international/shinternational/display.var.2459722.0.troop_pullout_leaves_government_on_brink.php.

⁹⁶ Hoehne, Markus V., 2006: Traditional Authorities in Northern Somalia: Transformation of powers and positions, Max Planck Institute for Social Anthropology Working Paper Nr. 82, Halle/Saale, www.eth.mpg.de/pubs/wps/pdf/mpii-eth-working-paper-0082.pdf; Gundel, Joakim with Ahmed A. Omar Dharbaxo, 2006: The Predicament of the «Oday»: The role of traditional structures in security, rights, law and development in Somalia. Oxfam Novib: Danish Refugee Council.

⁹⁷ Neither Somaliland nor Puntland invest much in Sool, eastern Sanaag and southern Togdheer.

⁹⁸ This is indicated by the fact that most officials in Somaliland agree that the current voters registration cannot proceed to the insecure areas in eastern Sanaag, Sool and southern Togdheer, apart from Lasanod and other places along the road from Bur'o to the east that are firmly under the control of Somaliland military; personal communication with several anonymous sources in Hargeysa, December 2008.

Over the last two years (2007 to 2008), the level of security decreased dramatically in Puntland. Criminality and lawlessness took hold of the more peripheral areas, but even in major towns such as Boosaaso. The main reason for the loss of state control in the northeast was the military engagement of Puntland in southern and central Somalia, in support of the TFG President Abdullahi Yusuf. This engagement of course also burdened the economy of the country that is largely generated in the port of Boosaaso. Moreover, President Adde Muuse seemed to focus more on the generation of economic revenue by issuing international licenses for the exploration of oil resources on Puntland's soil than in the keeping of law and order. In July 2008, TFG President Abdullahi Yusuf visited Garoowe, the capital of Puntland. He delivered a speech, in which he warned that criminals operating in Puntland had the goal to destroy the TFG by creating instability in the northeast, where Yusuf's interim government enjoyed most domestic support. He added, that «if you want peace, establish a power to be feared. [...] But if you want to be harassed everyday, then forget security and focus on the economy and exploration for oil and minerals».⁹⁹

Additionally, both, Somaliland and Puntland faced a somewhat diffuse security threat emanating from the raise of militant Islamism in southern and central Somalia. This threat manifested in the bombings in Hargeysa and Boosaaso in October 2008 (see above, 2.2.6). In the aftermath of these attacks, the security measures were tightened in the centers of Somaliland and Puntland. Particularly in Hargeysa, a number of police and military check points were established in early November 2008 and a curfew between 9 pm and 5 am was in force for about one month after the bombings. At the time of writing (mid December 2008) these measures were slightly relaxed again in Hargeysa. Yet, central government buildings and offices of international organizations remain heavily guarded.¹⁰⁰ The attacks in Somaliland caused the interruption of the voters' registration. The process was resumed in early December 2008 (see above, 2.2.5).

4 Judiciary

Throughout Somalia the judiciary can generally be divided into four different justice systems: first, the formal judiciary structures, or statutory law; second, traditional or customary law, called *xeer* (heer) in Somali; third, Islamic law or shari'a; and forth, civil society and private sector initiatives.¹⁰¹ These different systems coexist, yet, they partly contradict each other. Certain *xeer* norms are against shari'a, and state laws sometimes are not in accordance with both, shari'a and *xeer*. Of these different Somali justice systems «customary *xeer* is the most far-reaching, particularly in the rural areas that are commonly beyond the reach of formal juridical systems. *Xeer* is also the most effectively enforced.»¹⁰² During the rule of the UIC, shari'a advanced to the position of the second most widely spread justice system. At the time of writing (mid December 2008) when Islamist militants are taking over a number of towns in southern and central Somalia shari'a is on the rise again. Mukhtar Roobow (Abu

⁹⁹ Garoowe Online, 26 July 2008: Somalia: «Puntland Elections On Time» – Somali President, <http://allafrica.com/stories/200807280012.html>.

¹⁰⁰ Observations of the author, Hargeysa, December 2008.

¹⁰¹ Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue, p. 7.

¹⁰² Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue, p. 8.

Mansur), the spokesman of *Al Shabaab*, held a press conference in Mogadishu on 14 December 2008. At this conference he announced that they (*Al Shabaab*) will not stop fighting until Somalia is under shari'a.¹⁰³ The application of shari'a, in the understanding of the militant Islamists in southern and central Somalia, includes also corporal punishment – from flogging to stoning.¹⁰⁴

In Somaliland and Puntland, formal judiciary structures are in place and actually work, at least in the central regions of both political entities.¹⁰⁵ However, even in the capital cities Hargeysa and Garoowe, people can choose between various justice systems, and due to the lack of professionalism on the side of many legal practitioners (judges as well as lawyers), many may rather opt for *xeer* or shari'a, than for formal state law. A further problem regarding statutory law is that important legal fields, such as criminal law, are still covered by the old laws of the Somali Republic, even in Somaliland. Thus, the Penal Code of 1962 is effectively in force all over the territory of the collapsed state of Somalia. Some of its outdated provisions, e.g. about honoring the name of the head of the state, lead two times to rather dubious legal proceedings in Somaliland in 2007, against the *Haatuf* journalists and the *Qa-ran* party, respectively (see above, 2.2.2).

A number of initiatives of warlords, vigilante groups, professional associations, and civil society initiatives, partly with international support, are summarized by Le Sage as civil society and private sector initiatives. Yet, their reach is most limited and their enforcement most uncertain.¹⁰⁶

The general problems with «judiciary» and «justice» in the Somali context are, first, that Somalia's previous history of human rights abuses under Siyad Barre's government discredited state law; second, that all kinds of laws, be they statutory provisions, shari'a, *xeer*, or others, were gravely violated during the years of civil war. This nurtured a culture of impunity at least in the southern and central regions, where the fighting never really stopped since 1991, and people so far have had no chance to seriously reconcile.¹⁰⁷ Hence, there are rules, yet accountability is scarce.¹⁰⁸ Those who have power can easily dominate legal processes and the delivery of «justice». In other words, «after more than a decade of conflict Somalis place a high premium on the re-establishment of security over the more elaborate

¹⁰³ Saxansaxo Vol 2/Issue 492, 15 December 2008: Afhayaan Kooxda Xag Jirka Ah Ee Al-Shabaab Oo Shir Jaraa'id Ku Soo Qaaday Xilliga Ay Joojinayaan Dagaalada Iyo Sida Ay U Arkaan Sheekh Shariif [The spokesman of the extremist group *Al-Shabaab* who held a press conference on when they stop the war and how they see Sheikh Sharif].

¹⁰⁴ Spiegel Online, 1 November 2008: Steinigung in Somalia: 13-jähriges Vergewaltigungsopfer brutal hingerichtet, www.spiegel.de/panorama/justiz/0,1518,587905,00.html.

¹⁰⁵ A very good overview of the legislation of Somaliland (in English translation) is provided by the home page www.somalilandlaw.com.

¹⁰⁶ Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue, p. 49-52.

¹⁰⁷ In its most recent report on Somalia, Human Rights Watch observed that «[n]o party to the conflict in Somalia has made any significant effort to hold accountable those responsible for war crimes and serious human rights abuses» Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf, p. 6. This finding has to be extended to the international community that so far refuses to hold any of the perpetrators in Somalia, including TFG and Ethiopian officials, accountable, see also: Maletta Robert, October 2008: Somalia: An accountability free zone?, in: Humanitarian Exchange Magazine, Issue 40, www.odihpn.org/report.asp?id=2946.

¹⁰⁸ Weber, Anette, 2008: State building in Somalia – challenges in a zone of crisis, in: E.-M. Bruchhaus and M. Sommer (eds.): Hot Spot Horn of Africa Revisited, Lit Verlag: Hamburg, pp. 14-27, p. 22.

concerns of justice».¹⁰⁹ This clearly applies to the situation in southern and central Somalia. However, with some qualifications, it also holds true for Somaliland, where the population sometimes accepts legally rather dubious behavior of the government for the sake of keeping the peace.

5 Human Rights

5.1 Gross human rights violations

In southern and central Somalia, gross human rights violations occur on a daily basis, and with impunity. The most prevalent crimes concern killing, robbery, sexual violence, torture, enslavement, and the recruitment of child soldiers. These are part of the civil war in southern and central Somalia since the early 1990s. However, phases of extreme violence and massive human rights violations, as in 1991 and 1992, alternate with phases of relative calm, as in 2004 and 2005. The human rights violations definitively increased dramatically in the wake of the Ethiopian invasion of Somalia at the end of 2006.¹¹⁰

In May 2008 Amnesty International (AI) published a report on human rights violations in Somalia.¹¹¹ It underlined the prevalence of torture, ill-treatment, rape, extrajudicial executions, arbitrary detention, and attacks on civilians. These human rights violations were committed by all parties to the conflict in southern and central Somalia. Certain crimes, such as unlawful killing, rape and looting as well as the bombing and shelling of civilian neighborhoods in Mogadishu were committed mostly by TFG and Ethiopian forces. In a few documented cases the latter forces even killed a child by slitting its throat, or rounded up and shot fugitives trying to flee Mogadishu.¹¹² Moreover, the AI report clearly stated that the TFG had provided no protection from acts of robbery, extortion, rape, and beating committed by other armed groups or individual gangsters throughout southern Somalia.¹¹³ Generally, the report stressed that the human rights situation in Somalia clearly worsened and that «there is no safety for civilians wherever they run. Those fleeing violence in Mogadishu still face violence on the roads north toward Puntland and west toward Afgooye and Baidhabo [Baydhoa], including theft, rape, and shootings».¹¹⁴

In his report to the UN Security Council, dated 7 November 2007, the UN Secretary General found in paragraph 55 that «violations of human rights and international humanitarian law continue unabated in Mogadishu». He added that Somalia is awash with arms, and civilians are regularly caught up in fighting, since all armed groups to the conflict, particularly in Mogadishu, do not discriminate between com-

¹⁰⁹ Le Sage, Andre, 2005: Stateless Justice in Somalia: Formal and informal rule of law initiatives, Report, Centre for Humanitarian Dialogue, p. 9.

¹¹⁰ Mail and Guardian Online, 7 December 2007: UN alarmed by widespread rape in Mogadishu, www.mg.co.za/article/2007-12-07-un-alarmed-by-widespread-rape-in-mogadishu; ReliefWeb, 16 August 2007: Somalia: Increased sexual violence raises HIV concerns, www.reliefweb.int/rw/RWB.NSF/db900SID/EMAE-765PG2?OpenDocument.

¹¹¹ Amnesty International, 6 May 2008: Routinely Targeted: Attacks on civilians in Somalia.

¹¹² Amnesty International, 2008: Routinely Targeted: Attacks on civilians in Somalia, pp. 8-13 and 18.

¹¹³ Amnesty International, 2008: Routinely Targeted: Attacks on civilians in Somali, p. 2.

¹¹⁴ Amnesty International, 2008: Routinely Targeted: Attacks on civilians in Somalia, p. 2 and 4.

batants and civilians. In paragraph 79 of that report the UN Secretary General stressed that «rape and other sexual and gender-based violence have been reported as one of the most common human rights violations being committed by the warring factions and other groups in Mogadishu». In an earlier report, dated 25 June 2007, the UN Secretary General summarized in paragraph 63 that «[d]iscrimination and abuse of marginalized groups and minorities also appeared to continue unabated».¹¹⁵ The report confirmed that «[s]exual abuse and exploitation of women and girls were also reported. Recruitment of child soldiers [...] persists throughout the country».¹¹⁶

In August 2007, UN officials and humanitarian workers based in the region announced that «escalating violence in Somalia is increasing the incidence of sexual attacks against women and girls and heightening their risk of HIV infection».¹¹⁷ In December 2007, a UNICEF representative voiced his concern that «[w]e had not seen the level and kind of open violence against civilian populations that we are seeing now». The official also referred to several instances of women being raped at checkpoints in broad daylight. The same official continued that «children were being recruited by government militias and Islamist insurgents alike, thus making them "legitimate targets" in the conflict».¹¹⁸

The two most recent reports of the Secretary General on the situation in Somalia, dated 16 July 2008 and 17 November 2008 respectively, underline that the human rights situation in Somalia continues to be characterized by indiscriminate violence and frequent attacks against civilians, and particularly against women and children.¹¹⁹ The report dated 16 July 2008 confirmed that «both the Ethiopian-backed Transitional Federal Government troops and the insurgent groups are using heavy artillery in urban areas inhabited by civilians, causing dozens of civilians to be killed or injured» (paragraph 56).

On 8 December 2008, Human Rights Watch (HRW) published another report on human rights violations in Somalia.¹²⁰ The summary of this report maintained that «two

¹¹⁵ Barnes correctly argued that no group in Somalia has escaped episodes of persecution and discrimination since the complete state collapse in 1991. «Nonetheless, there are groups who have been less able to defend themselves, for example, those who are small and scattered in numbers and who do not have the ability to combine against larger groups» (Barnes, Cedric, August 2007: Country Report Somalia, p. 26). Particularly endangered minority groups are *Jareer* or Bantu, Asharaf, and other inhabitants of the Benaadir coast of southern Somalia, who are not considered to be «pure» Somalis by the dominant Somali clans. These minority groups continue to be oppressed and abused by militias of majority groups, such as Hawiye and Darood. For an initial overview of the various minority groups in southern and central Somalia, see the report «Minority Groups in Somalia», Report of the Joint British, Danish and Dutch fact-finding mission to Nairobi, Kenya, 17-24 September 2000. Many members of minority groups have either become internally displaced within Somalia, or have fled to neighboring countries, or further abroad. Yet, it has to be noted that some minority group members remain in southern and central Somalia, since they simply lack the means to flee.

¹¹⁶ Reportedly, militant Islamists in southern and central Somalia conscribed young men including teenage boys by force into their ranks. Moreover, armed gangs and clan militias/warlord militias frequently abducted men, women, and children, in order to enslave them. The abducted persons have to work in plantations, in the camps of the militias, and/or as sex slaves; personal communication with several Somali asylum seekers in the UK, January 2007 to October 2008.

¹¹⁷ ReliefWeb, 16 August 2007: Somalia: Increased sexual violence raises HIV concerns, online: www.reliefweb.int/rw/RWB.NSF/db900SID/EMAE-765PG2?OpenDocument.

¹¹⁸ Mail and Guardian Online, 7 December 2007: UN alarmed by widespread rape in Mogadishu online: www.mg.co.za/article/2007-12-07-un-alarmed-by-widespread-rape-in-mogadishu.

¹¹⁹ Report of the Secretary-General on the situation in Somalia, 16 July 2008, paragraph 55; Report of the Secretary-General on the situation in Somalia, 17 November 2008, paragraph 78.

¹²⁰ Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf; see also the previous report

long years of escalating bloodshed and destruction have devastated the country's people and laid waste to its capital Mogadishu. Ethiopian, Somali transitional government, and insurgent forces have all violated the laws of war with impunity, forcing ordinary Somalis to bear the brunt of their armed struggle.» It continued that «the last two years are not just another typical chapter in Somalia's troubled history. The human rights and humanitarian catastrophe facing Somalia today threatens the lives and livelihoods of millions of Somalis on a scale not witnessed since the early 1990s».¹²¹ Finally, the HRW report argued that «TFG security forces and militias have terrorized the population by subjecting citizens to murder, rape, assault, and looting. Insurgent fighters subject perceived critics or TFG collaborators – including people who took menial jobs in TFG offices or sold water to Ethiopian soldiers – to death threats and targeted killings. The discipline of Ethiopian soldiers in Somalia has broken down to the point where they increasingly are responsible for violent criminality. Victims have no way to file a complaint – the TFG police force has itself been implicated in many of the worst abuses, including the arbitrary arrests of ordinary civilians to extort ransom from their families».¹²² The main body of the HRW report provides detailed eye-witness accounts of severe human rights violations.

The human rights situation in Somaliland and Puntland cannot be compared with the horrific scenario of southern and central Somalia. Nonetheless, it has to be noted that all over the Somali territories, including the north, gender-based violence and discrimination against minority groups prevail. In general, women have no political power in Somali society. Also their social status is much lower than the status of men. Particularly girls and women belonging to impoverished or refugee families are at risk of abuse and sexual exploitation, and hardly have a choice to file complaints to the authorities, due to their low status.¹²³ Minority groups in the north, such as Midgan and Yibir (also known as Madiban or Gabooye) are socially and economically discriminated. They are not allowed to marry with members of the majority clans, are mostly confined to low manual jobs, and are subject to everyday harassment by members of the majority clans.¹²⁴

5.2 Freedom of the media

In southern and central Somalia, particularly in Mogadishu, a number of well-respected journalists have been assassinated by one of the warring factions since the beginning of renewed large-scale fighting in early 2006.¹²⁵ The situation worsened further in 2007. Seven journalists were murdered; more were killed or injured in crossfire or bombardment. A number of media outlets were raided by government troops and at least temporarily closed.¹²⁶ In Somaliland and Puntland, the situation is

by Human Rights Watch, 12 August 2007: Shell-Shocked. Civilians under siege in Mogadishu, www.hrw.org/sites/default/files/reports/somalia0807webwcover.pdf.

¹²¹ Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf, p. 3.

¹²² Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf, p. 4.

¹²³ Personal communication with a researcher of an international organisation working on HIV/AIDS in Somalia, Somaliland, and Puntland, Hargeysa, December 2008.

¹²⁴ Observations of the author during field research in Somaliland and Puntland, September 2003 to November 2004, and again in Hargeysa, December 2008.

¹²⁵ Updates in English on the freedom of the press and the situation of journalists all over Somalia are provided on the homepage of the National Union of Somali Journalists (www.nusoj.org/).

¹²⁶ CPJ (Committee to protect journalists) (2007): Attacks on the Press in 2007, www.cpj.org/attacks07/pages07/index.html.

quite differently. Several independent newspapers and TV stations exist in Somaliland which regularly inform the population on events inside and outside the country. Particularly the independent newspapers such as Haatuf and Jamhuuriya published in Hargeysa fulfil the role as «watch dog» and regularly criticise abuse of power and corruption of Somaliland's state officials and elites. As outlined above (2.2.2), the government recently reacted to the «all-too free» media.¹²⁷ In Puntland, several independent radio and TV stations exist, yet the newspaper-scene is underdeveloped. Similar as in Somaliland, journalists are occasionally imprisoned for a short time by the local authorities. In general, however, a large degree of freedom of speech prevails.

6 Humanitarian Situation

The report of the UN Secretary General on the situation in Somalia, dated 16 July 2008, stated in paragraph 13 that «the delivery of basic social services has virtually collapsed in most parts of the country [Somalia]». Without remittances, most of Somalia's population would not survive. According to the Secretary General, the «humanitarian conditions have taken a dramatic turn for the worse owing to the ongoing conflict, increasing food prices, a deepening drought that has hit a wide swathe of central Somalia, a poor start to the current rainy season and increasing civil insecurity. The situation in Somalia is deteriorating at a rate faster than expected» (paragraph 50). He added that «almost 750'000 people are reported to have fled Mogadishu *in the last three months* [between May and July 2008]» (paragraph 13, italics added). According to paragraph 52 of that report «many newly displaced people live in precarious situations without access to basic services, and the most vulnerable are the hardest hit». HRW, as well as other sources recently argued that Somalia is a «humanitarian nightmare» and that the country needs enormous amounts of aid. «Humanitarian organizations estimate that more than 3.25 million Somalis – over 40 percent of the population of south-central Somalia – will be in urgent need of assistance by the end of 2008».¹²⁸

The pockets of temporary peace in southern and central Somalia, as well as the largely peaceful entities of Somaliland and Puntland are (over-)burdened with Internally Displaced Persons (IDPs) from the acute war zones, e.g. Mogadishu. AI found that even flight within the Somali territories does not mean an end to suffering for many refugees. Once they arrive in IDP settlements, «they face further violence, and lack of access to services essential for the realization of human rights, including clean water, medical care, and adequate food supplies. [...] Humanitarian operations are frequently impeded by parties to the conflict and armed criminal groups».¹²⁹ «In Hargeisa, the situation for displaced persons is complicated by a lack of international recognition of Somaliland's self-declared statehood. While the government of Somaliland considers displaced southern Somalis to be refugees on their territory, in-

¹²⁷ Hoehne, Markus V., 2008: Newspapers in Hargeysa: Freedom of speech in post-conflict Somaliland, *Afrika Spectrum*, 43/1, pp. 91-114.

¹²⁸ Human Rights Watch, 8 December 2008: So Much to Fear: War Crimes and the Devastation of Somalia, www.hrw.org/sites/default/files/reports/somalia1208web.pdf, p. 5; Menkhaus, Ken, 2008: Somalia: A country in peril, a policy nightmare, ENOUGH Strategy Paper (September 2008), p. 4; Duplat, Patrick and Jake Kurtzer, 19 November 2008: Somalia: Policy Overhaul Required, Refugees International, www.refugeesinternational.org/policy/field-report/somalia-policy-overhaul-required.

¹²⁹ Amnesty International, 2008: Routinely Targeted: Attacks on civilians in Somalia, p. 2.

ternational aid agencies designate these same individuals as IDPs. This confusion over their status comes in addition to inadequate financial and material support to the displaced Somalis in Somaliland. [...] While the government of Somaliland does not officially accept displaced persons from Somalia, it has allowed thousands into its territory, particularly in Hargeisa». ¹³⁰

In Puntland, refugees and IDPs face precarious living conditions and increasing insecurity, according to a recent report of *Médecins Sans Frontières*. Many refugees from the south are desperate and continue fleeing by boat to Yemen, which again involves enormous risks, such as habitual severe abuse by the smugglers as well as frequent cases of death during the journey. ¹³¹

The level of health care is generally extremely low throughout Somalia. Basic health care is available in the larger urban centres (Hargeysa in Somaliland; Gaalkacyo, Garoowe and Boosaaso in Puntland, and Mogadishu in the south). Yet, first, patients have to pay for all services; without money or support by relatives, a patient is unlikely to get adequate treatment and medication. Second, some problems such as mental/psychic problems are usually treated by Sheikhs, or by family members. Frequently, mentally sick people are chained at home. There are also so called psychiatric hospitals in Somalia. The latter, however, cannot be perceived as hospitals in the «Western» sense. They are rather «prisons» for mentally ill people where they are put under heavy and often outdated medication, and are sometimes chained to the walls.

¹³⁰ Amnesty International, 2008: Routinely Targeted: Attacks on civilians in Somalia, p. 22.

¹³¹ *Médecins Sans Frontières*, June 2008: No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden.

7 Annex



Map I: Somalia, political, online: [http://memory.loc.gov/cgi-bin/query/h?ammem/gmd:@field\(NUMBER+@band\(G8350+CT001671\)\)](http://memory.loc.gov/cgi-bin/query/h?ammem/gmd:@field(NUMBER+@band(G8350+CT001671))).



Map II: Political divisions in northern Somalia (Somaliland and Puntland).