

Mediation efforts in Somalia

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1. Introduction

This paper reviews and assesses the past eighteen years of external mediation efforts aimed at ending Somalia's protracted civil war and reviving a central government. It identifies lessons learned, summarizes ongoing debates about the most appropriate mediation approaches, and inventories the range of obstacles and constraints which have prevented successful mediation of the Somalia conflict.

2. Background – War and mediation in Somalia since 1988

Somalia's protracted crisis of civil war and state collapse is now approaching two decades of duration, and constitutes the longest-running instance of complete state collapse in the post-colonial era. Over a dozen national reconciliation conferences have been convened by external mediators in an effort to resolve the crisis. None has succeeded to date. This section provides a brief history of the Somali crisis and the most significant efforts at mediation.

The Somali crisis began in 1988. An armed insurgency, the Somali National Movement (SNM), launched an attack against government forces in the north of the country. Government counter-attacks in the north produced massive displacement and casualties. The international community, led by the United States, responded by freezing foreign aid to the Siyad Barre regime.

Somalia's crisis worsened as multiple clan-based liberation movements sprung up in opposition to the repressive regime. In part because of external preoccupation with dramatic political developments elsewhere – the fall of the Berlin Wall and the end of the Cold War – no significant external mediation effort was mustered to address Somalia's worsening crisis from 1988 to 1991.

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In January 1991, the government fell. South-central Somalia fell into heavily armed, violent lawlessness. Warfare broke out between rival factions, leading to the destruction of much of the capital. Repeated pillaging of villages and unchecked criminality by armed gangs and militia triggered massive displacement and refugee flows and eventually produced a catastrophic famine which claimed an estimated 250,000 lives.

During this two year period of civil war, external efforts to mediate a political settlement were minimal. Djibouti hosted a peace conference in July 1991, but lack of comprehensive representation and lack of control over the militias by the delegates guaranteed that the accord reached could not be implemented. The flawed process produced the selection of an interim President, Ali Mahdi, who was rejected by his internal USC (United Somali Congress) rival General Mohamed Farah Aideed. The division between the two figures, each supported by different clans, led to a highly destructive war in Mogadishu in November 1991. Throughout 1991 no UN diplomatic initiative was taken on Somalia, and western countries largely ignored the crisis. Many now consider 1991 to be a missed opportunity for resolution of the conflict.

In early 1992, as media coverage of the Somali war and famine intensified, the UN Security Council established an arms embargo on Somalia and authorized a very small UN Operation in Somalia to seek a diplomatic solution to the crisis. Special Representative Mohamed Sahnoun sought to mediate the conflict, but was replaced by the Secretary-General after criticizing the UN for being slow and bureaucratic.

In December 1992, an unprecedented US-led humanitarian intervention deployed 30,000 peacekeepers into southern Somalia and halted both the fighting and famine. UN diplomats brokered the Addis Ababa accord in March 1993 which committed the fifteen factions (each of which represented a clan) to a national reconciliation process and a procedure for establishing a transitional government. Disputes over the interpretation of that accord – the UN construed it to approve a bottom-up selection process of district representatives, while many faction leaders claimed they controlled the selection of regional and national councilors – fueled tensions which led to an armed attack on UN forces by General Aideed's Somali National Alliance (SNA) in June 1993. That attack produced a prolonged armed confrontation between the SNA and UNOSOM forces, culminating in the disastrous October 3 firefight – “Black Hawk Down” — in which hundreds of Somalis and eighteen US Army Rangers died. In 1994, UN diplomats sought to broker a new power-sharing accord bringing together Somalia's top militia leaders into a coalition government, but that effort failed as well. UNOSOM withdrew from Somalia in March 1995 having failed to achieve reconciliation and revive Somalia's collapsed state.

Somalia's only successful reconciliation processes at that time occurred at sub-national levels. The most important of these was the Boroma peace accord in the secessionist state of Somaliland in the north. In May 1991, traditional clan elders

convened an assembly at which they agreed on the terms of regional reconciliation and the establishment of a Somaliland state. That peace process was based on customary dispute management, was led by traditional clan elders supported by intellectuals, and enjoyed only limited external logistical support from international NGOs. It eventually succeeded in bringing sustained peace and governance to Somaliland. Elsewhere in Somalia, many other accords were reached in 1993–94, but all were local in nature, typically reconciling feuding clans. UNOSOM often provided good offices and mediation for these agreements, which typically constituted hybrid talks mixing elements of both traditional conflict resolution and contemporary elements of diplomacy. Those local agreements were important in reducing overall conflict and reviving regional trade.

In 1996 and 1997, two rival efforts to mediate an accord to create an interim Somali government were launched. The Sodere talks were first convened by Ethiopia but failed; Ethiopia's regional rival Egypt then convened talks in Cairo, which also were unable to bring faction leaders into agreement. In 1998, Mijerteen clans in northeast Somalia convened talks which produced an agreement to establish a regional state of Puntland; those talks received technical support from an international NGO, but were otherwise locally driven.

In 1998, Ethiopia spearheaded a “building blocks approach” to state revival in Somalia, in which existing regional governments in Somalia (such as Puntland) would federate into a decentralized state. That approach was resisted by clans which controlled the capital city and believed a federal system would harm their interests.

In 2000, Djibouti hosted and facilitated what came to be called the Arta Peace Process. Egypt and the UN were enthusiastic supporters of the talks, but provided only modest mediation. Arta produced a power-sharing agreement and the declaration of the Transitional National Government in August 2000. The Arta process was innovative in that delegates were clan elders and civil society leaders, not faction and militia leaders. The Arta process also established the “4.5 formula” into Somali politics – a system of fixed proportional representation by clan in both negotiations and transitional governments. The formula allocates an equal number of seats to each of the four main clan-families (Darood, Dir, Hawiye, and Digil-Mirifle) and apportions half of that number for Somalia's many ‘minority groups’, which include the Bantu, Benadiri and low caste groups. However, the formula did not solve conflicts over representation.

The Arta process also revived the notion of a unitary, not federal, state in Somalia. But what the Arta Accord did not produce was a true government of national unity. Clans and factions which felt underrepresented formed an Ethiopian-backed opposition group, the SRRC, which blocked the TNG's ability to expand its authority in much of the country. Other armed opposition came from Mogadishu-based warlords. The TNG never became operational and gradually became irrelevant.

In 2003–04, the regional organization IGAD (Inter-Governmental Authority for Development) sponsored a two year peace process held in Kenya and mediated by Kenyan diplomats with UN and European Union support. Those talks were intended to produce a new transitional government to succeed the TNG. The Kenyan peace process was based on the 4.5 formula of fixed representation by clan, with a mixture of political and military leaders, traditional elders, and civil society leaders participating. Three phases to the talks – a cease-fire declaration, reconciliation of conflict issues, and power-sharing – were envisioned. The talks were interrupted by violations of the ceasefire and appeared stillborn until a breakthrough occurred in October 2004, thanks to sustained external pressure. A transitional charter was approved by the delegates, a parliament was formed, and a transitional federal government was elected by the parliament, bringing to power TFG President Abdullahi Yusuf. He in turn appointed a Prime Minister, Mohamed Ghedi, who formed an 82 person cabinet. As with the TNG before it, the TFG fell well short of serving as a government of national unity. Power was concentrated in a narrow clan coalition, and the TFG was viewed as a client of Ethiopia. A Mogadishu-based coalition, including dominant clans from the capital, Islamists, leaders of the defunct TNG, and warlords, formed an opposition to the TFG and blocked it from establishing itself in the capital.

In 2006, an ascendant Islamist movement, the Council of Islamic Courts (CIC), defeated rival militia leaders in Mogadishu and spread its authority across most of south-central Somalia. The CIC might have established itself as a national government via a “victor’s peace” rather than via negotiation except for the fact that its increasingly radical policies, including calls for jihad against Ethiopia, accelerated a confrontation with Ethiopia, which the Islamists mistakenly believed they would win. In late December 2006, Ethiopian forces launched an offensive which swept the CIC out of power and enabled the TFG to enter Mogadishu and attempt to govern from the capital. External pressure on the TFG to negotiate with Mogadishu-based opposition in order to form a more inclusive transitional government has to date met with limited success. Armed insurgency against the TFG in Mogadishu has accelerated since January. The arrival of the first units of an African Union peacekeeping force (AMISOM) is unlikely to contribute to peace unless a power-sharing accord can be brokered between the TFG and armed opposition groups in Mogadishu, which at present include clan militias, warlords, and Islamists.

3. Mediation in Somalia – Ongoing debates

There is no consensus view on why external mediation efforts have borne so little fruit in Somalia over the past 18 years. Judgments rendered on the effectiveness of mediation efforts in Somalia are inextricably tied into broader debates over the intractability of Somalia’s long crisis. The debate can be broken down into several schools of thought. These are not mutually exclusive, but rather differ in their emphasis on the causes of Somalia’s protracted crisis.

Domestic spoilers and constraints. Many observers place primary blame for Somalia’s protracted crisis on Somalis themselves. This argument has many

variations. The most frequently cited is the argument that Somalia's multiple "warlords" are to blame for repeatedly spoiling peace processes and efforts to revive state authority. A more nuanced view of Somali spoilers claims that a wide range of local actors, including businesspeople and some civic leaders, also profit from continued state collapse and work against efforts to revive a central state even as they work to promote general stability and public order. Still others argue that Somalia's inability to "get to yes" reflects widespread public fear that a revived central state will be used as a tool of oppression and expropriation as occurred under Siyad Barre. Apart from spoilers, Somalia's leadership deficit – uninspired, myopic Somali political leaders who fail to compromise are blamed by some observers. More than a few critics have pointed to the rise of "peace conference entrepreneurs," a class of Somali political leaders who have a strong interest in perpetuating national reconciliation conferences that put them up in luxury hotels for months or years at a time, but who then fail to implement accords. Finally, Somali political culture – specifically, clannism – is cited as an impediment to reconciliation. Clan-based politics is viewed both as intrinsically divisive and as imbuing Somali politics with chronic instability and fluidity, making it exceptionally difficult to hold together alliances for any period of time.

Assessments which place primary blame for the Somali impasse on Somalis themselves are understandably popular with many external actors. This line of reasoning can lead to cynical or fatalistic positions that "nothing can be done" to resolve the Somali crisis. But it can also lead to more constructive interpretations focusing on the need to reshape the interests of spoilers, marginalize intrinsic spoilers (i.e., the "warlords"), improve confidence-building measures, propose state reconstruction models which are non-threatening to anxious citizens, and explore mechanisms to incorporate the most beneficial or unavoidable aspects of clan-based politics into peace talks while minimizing clannism's penchant for divisiveness.

External spoilers and impediments. The claim that some external actors have a vested interest in perpetuating Somalia's state of war and collapse is very popular in Somali circles and can, in its cruder variations, constitute a conspiracy theory. This argument points principally at the interests and actions of neighboring Ethiopia, which, it is claimed, fears a revived Somali state due to Somalia's history of irredentism and war with Ethiopia. Ethiopia is blamed for sabotaging the TNG in 2000-02 and attacking the rising CIC in 2006. A lively debate exists over whether Ethiopia is willing to support the revival of a Somali state as long as that state exists on its terms – namely, as a decentralized, weak, and compliant neighbor – or whether it ultimately prefers perpetuation of state collapse. Other analysts point to the tendency for regional rivals to play out proxy wars in Somalia – Ethiopia and Egypt in the late 1990s, Ethiopia and Eritrea in recent years.

By stressing the existence of powerful external interests in perpetuating the Somalia crisis, this school of thought has troubling implications for mediators, implying that even the most effective mediation efforts are likely to be undone by outside spoilers. It also points to the need for region-wide security guarantees

if the Somalia crisis is to be successfully resolved. Specifically, it suggests that no sustained peace in Somalia can be reached until Ethiopia and its principal Somali adversaries – the Mogadishu-based clans and Islamists — are brought together to hammer out some sort of *modus vivendi*. Talks which fail to convene the two main antagonists in the Somali drama are unlikely to produce peace and are in many respects a diversion of time and energy.

Missed opportunities – failure of diplomacy. Many observers, including some with first-hand diplomatic experience in Somalia, argue that the Somali crisis has constituted a series of missed opportunities for external mediators. Some emphasize the lack of international political will and interest in addressing Somalia. The UN comes under harsh criticism in some analyses for its inattention to Somalia in the early years of the crisis (1988-92), while the US is blamed for its unwillingness to address Somalia following the failed UNOSOM mission. Others focus on the lack of follow-through – the failure of external actors to provide timely, robust support to newly-declared transitional governments. This was a central feature of the debate in 2000 and 2001 between those who argued for a “wait and see” approach to the TNG versus those who advocated immediate aid in order to “prime the pump” and build confidence in the fledgling government. This latter view stresses that the months immediately following peace accords constitute a brief window of opportunity which is lost if external assistance is delayed.

Other critics of external mediation in Somalia focus not on political will but on poor performance. UN and other mediators have been accused of bungling peace talks due to gross incompetence, weak capacity, lack of neutrality, conflicts of interest, insistence on inappropriate timeframes, and lack of understanding of Somali political culture. These were especially popular criticisms of UNOSOM mediation in 1993-94. Added to this are criticisms that external actors fail to coordinate their policies and have rival interests, resulting in opportunities for Somali leaders to engage in “forum shopping.” Another critique of mediation periodically voiced is the practice of isolating delegates in foreign hotels instead of convening the conferences in country. While some of these criticisms are unfair, *ad hominem* attacks on mediators, others reflect accurate concerns about the very uneven quality of external mediation over the years.

Misdiagnosis – failure of analysis. Diagnosis first, prescription second – the maxim of physicians – holds true for mediation as well as medicine. In Somalia, some mediation efforts have come under criticism for misreading the Somali conflict and context, and hence proceeding with inappropriate mediation techniques. This has been an especially prominent criticism with regard to critical pre-negotiation decisions about Somali representation. How external mediators understand and manage the contentious issue of clannism in Somali debates over representation has proven especially vexing. In some cases, external mediators have been accused of indifference to Somali realities – imposing a fixed mediation template on Somali delegates. In other instances, mediators have been criticized for trying to understand the Somali conflict but getting it wrong.

The problem with these criticisms is that no consensus exists on the Somalia diagnosis, so that mediators find themselves under fire for “misreading” Somalia no matter what course of action they take.

4. Issues and lessons learned

Despite a lack of consensus in our assessment of failed mediation efforts in Somalia, a number of general lessons can be drawn from the Somali case.

- **The unique context of a collapsed state.** Mediating conflicts in a context of complete state collapse creates unique negotiation problems. The absence of the state removes a key actor and a political-legal framework that mediators are accustomed to working with; tends to result in highly fragmented and disputed representation; and means that reconciliation efforts must be twinned with daunting challenges of reviving collapsed state structures.
- **Peace-building versus state-building.** The Somali experience has repeatedly demonstrated that while reconciliation is often viewed as potentially “positive-sum” by Somali communities, the revival of a central government is viewed by most as a zero-sum exercise, involving winners in control of the state and losers who fear that their rivals will use the state apparatus as a tool of domination at their expense. This is intimately linked to the negative Somali historical experience of the state, and is often a major source of misunderstanding between mediators – who view the state as an essential enabler for governance, economic recovery, and security – and many Somalis, who have come to see the state as a predator. This dynamic explains the otherwise puzzling pattern of behavior among some Somali business and civic leaders, who enthusiastically promote and finance communal peace, basic security, and informal systems of rule of law, but who oppose and undermine efforts to revive a central state. Finding ways to reduce the threat that a revived central government poses to some constituencies – i.e., providing security guarantees to groups who view the state as a potential threat – is a vital task in Somalia. In theory, an effective transitional charter or constitution clearly delimiting the authority of the state would go a long way to addressing this concern, but Somali political figures have shown a consistent disregard for constitutions.
- **The transitional government dilemma — conflict resolution versus power-sharing.** Most of the dozen or more national reconciliation conferences convened on Somalia since 1991 have privileged the brokering of a power-sharing agreement for a transitional central government over actual conflict resolution. At their worst, some of the conferences have devolved into crude cake-cutting exercises in which the agenda is reduced to allocation of cabinet positions by clan and faction. External mediators have been partly to blame, as they have been consistently tempted to use the revival of a central government as the

yardstick of success rather than the less tangible, but equally important resolution of conflict. The one peace conference which systematically sought to promote reconciliation of key conflict issues as a precondition for power-sharing discussions – the 2003-04 Kenya peace process – met with frustration when Somali political rivals demonstrated no interest in addressing matters such as occupied land and stolen property. The result has been transitional governments of national unity which neither governed nor united.

- **Somali ownership.** The record since 1988 clearly shows that peace processes which lack Somali ownership consistently fail; those which maximize Somali ownership of the process have enjoyed greater legitimacy and in some cases, such as the Boromo peace talks in Somaliland, have succeeded. Somali ownership is not to be conflated with the use of traditional customs or authorities, though those may come into play.

- **Local peacebuilding.** The numerous successes of local and regional peace processes stand in stark contrast to the persistent failure at the national level. There are a variety of reasons for this, including the more immediate and tangible peace dividends local communities expect, the more established relationships between leaders in local disputes, and the greater level of reliance on traditional mechanisms to promote peace locally. Several important lessons for mediators can be gleaned from successful sub-national peace processes in Somalia.
 - **First,** though these local peace processes have a strong degree of Somali ownership, they have rarely been accomplished alone. External actors have been sought out for assistance, sometimes in a mediating role, other times for technical or logistical support or for good offices.
 - **Second,** these talks usually involve hybrid fusions of traditional practices and authorities with more modern negotiating techniques. Clan elders are almost always central to local peace processes, for instance, but work most effectively when collaborating with intellectuals other civic leaders. Traditional assemblies are generally the accepted protocol in local peace-building, but have been combined with new tools such as technical committees. Effective external mediators have learned to be open to the innovative fusion of old and new in solving Somalia's conflicts, which are themselves the product of both old feuds and new conflict drivers.
 - **Third,** successful sub-national peace-building in Somalia has invariably proceeded at its own pace, typically a pace far slower than what most external mediators are comfortable with. Rushing talks in Somalia guarantees failure.
 - **Fourth,** in at least a few instances, Somali communities have sought out mediation or even arbitration by a respected, neutral Somali eminent person – typically a well-known elder or sheikh. In those instances the role of external actors is reduced to provision of logistical support.

– **Finally**, external mediators of sub-national reconciliation have learned that local peace can appear to third parties to constitute coalition-building at their expense. External actors who choose to involve themselves in local peace-building must have a keen understanding of the broader political context within which these talks take place.

- **Unified external support for mediators.** A growing problem in Somalia has been the identification of an appropriate and effective mediator. Many of the countries most eager to play the role of mediator are not seen as neutral inside Somalia, or have a history there which renders them suspect in the eyes of some Somalis. The UN itself has a controversial and difficult history in the country, eroding its potential to broker peace talks. Because the Somali crisis has increasingly reflected a divide between factions backed by African states versus those enjoying backing in the Arab world, both the African Union and the League of Arab States are viewed as less than neutral on Somalia affairs. The regional organization IGAD is itself divided and viewed by many Somalis as dominated by Ethiopia and Kenya. Whichever state or organization serves as mediator, it stands a much better chance of winning the confidence of all Somali parties when the international community makes a concerted effort to close ranks and provide unified support to that mediator. When external actors have pursued competing agendas, Somali actors have exploited the divisions to engage in forum shopping.
- **Sustained, weighty mediation efforts.** Too many external peace initiatives have constituted little more than dabbling by states or organizations uncommitted to a sustained diplomatic effort. Somalis are quick to perceive when an external mediator lacks gravitas or the strong backing of his or her organization. Many observers are now arguing that what Somalia needs is an external initiative for peace that approximates the sustained South African commitment in Burundi or the sustained, high-visibility American role in the talks in Sudan which led to the Comprehensive Peace Accord.
- **Identifying legitimate and authoritative representatives.** Mediators have consistently been caught in disputes over representation in Somali peace processes. This debate has occurred on multiple levels. Should clans be explicitly used as the basic unit of representation, via the “4.5 formula” of fixed proportional representation? If not, on what basis should Somalis represent themselves? And even when the basis of representation is determined, which types of leadership within each delegation should be privileged – militia and political leaders, clan elders, civil society leaders, or a combination of all? This choice is unavoidable in the early phase of talks; thereafter, processes can be agreed upon for election or selection of representatives.
Sixteen years of experience in mediation have not resolved these questions but have yielded some lessons learned. **First**, we have learned

not to conflate the 4.5 formula of clan proportional representation with a government of national unity. Narrow political coalitions have consistently managed to emerge within the 4.5 formula. **Second**, evidence suggests that traditional clan authorities imbue talks with much greater legitimacy, but that elders are no panacea – they are often poorly-placed to handle complex issues of government, and can be bribed and co-opted. The Somaliland experience suggests that traditional authorities are most effective when partnered with “intellectuals” from civil society. The UNOSOM experience underscores both the fact that peace processes which convene militia leaders enjoy little legitimacy, and that any attempt to marginalize militia leaders will be met with resistance.

- **Managing spoilers.** Somalia’s wide array of spoilers – warlords, businesspeople profiteering from a war economy, clans unhappy with their allocation of seats in a new government – has never been adequately managed by external mediators. One lesson learned from Somalia is the willingness of spoilers to play along with peace processes, sign accords, and temporarily join transitional governments even as they intend to sabotage the effort. Somali spoilers generally prefer to undermine peace-building initiatives and governments of national unity by joining them and destroying them from within, not openly opposing them. A more hopeful lesson has been learned about the nature of spoilers in Somalia: most are not intrinsic spoilers – that is, individuals or groups with an existential reason to oppose any and all peace accords and efforts to revive the state. Most are situational spoilers, who oppose peace processes and revived governments because of how these processes harm their interests. Somalia has conclusively demonstrated that those interests can and do change over time. Many of the business community in Mogadishu that today seeks rule of law and peace were in an earlier period part of the war economy. By focusing on the interests of potential spoilers, we open the door toward mediation strategies designed to reshape their perceptions of their interests.
- **Externally-situated and funded mediation.** The fact that most of Somalia’s national reconciliation conferences have been held outside Somalia and funded by foreigners has been the subject of growing criticism. Some critics are arguing that future peace talks must be held inside Somalia and paid for by Somalis, to give them maximum ownership and to make negotiators more accountable to their constituents. While there are numerous problems with this alternative, there can be no doubt that the large sums of money spent by international actors on reconciliation talks has had the unintended consequence of rendering delegates more interested in per diems than peace.
- **Proxy wars and external spoilers.** In the early to mid-1990s, it was difficult to make the case that external actors were complicit in preventing peace and state revival in Somalia. The massive UNOSOM operation was a huge international commitment to peace and state-building and

neighboring Ethiopia played a very constructive role in helping to convene Somali parties during the 1993-1995 period. Since then, however, external spoilers have become an important additional obstacle to peace in Somalia. As noted in section three, this places a premium on mediators correctly identifying the real parties to the Somalia conflict – i.e., Ethiopia and its Mogadishu-based Somali adversaries – and working with them to agree on some form of co-existence.