



Stabilisation Unit

**Elite Bargains and Political Deals Project:
Somalia Case Study**

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**Stabilisation Unit
February 2018**

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Author details

The author is Chair and C. Louise Nelson Professor of Political Science, Davidson College, USA. The paper draws on the author's long history of observations and analysis of, and occasionally direct involvement in, Somali reconciliation processes since the early 1990s; and on studies or reports written by the author at the time of the peace talks. The author also reached out to several individuals directly engaged in the Mbagathi peace process of 2003-04 to verify claims and add new information. Occasional reference is made to reports that are not publicly available, but were written by the author when working as a consultant to the United Nations, US government, or other governments.

Background to Elite Bargains and Political Deals Project

This case study is one of a series commissioned to support the Stabilisation Unit's (SU's) development of an evidence base relating to elite bargains and political deals. The project explores how national and international interventions have and have not been effective in fostering and sustaining political deals and elite bargains; and whether or not these political deals and elite bargains have helped reduce violence, increased local, regional and national stability and contributed to the strengthening of the relevant political settlement. Drawing on the case studies, the SU has developed a series of summary papers that bring together the project's key findings and will underpin the revision of the existing 'UK Approach to Stabilisation' (2014) paper. The project also contributes to the SU's growing engagement and expertise in this area and provides a comprehensive analytical resource for those inside and outside government.



Executive Summary

The long-running Somali crisis has led to an incomplete and unstable peace that will face a major test in the next few years. The elite bargain that has been an important part of the country's slow climb out of civil war and state collapse was, and continues to be, fragile and vulnerable to decay. While armed violence has been reduced, the country remains highly insecure and prone to communal clashes, political violence and regular terrorist attacks. The power sharing accord first brokered in late 2004 has produced a series of governments, but with no ratified constitution, little consensus on the structure of the government, little capacity to govern, and the avoidance of engagement with underlying conflict drivers by the political elite. Yet the core features of this elite bargain continue to define Somali politics.

The nature of the elite bargains

The political settlement undergirding the Federal Government of Somalia (FGS) reflects a "limited access order," an elite division of spoils in which rival political cartels control and divert financial flows to and through the rentier state, in what is widely believed to be the most corrupt country in the world. Elite bargaining over the terms of that political settlement of spoils is largely responsible for the government's chronic political paralysis and episodic "embedded" political violence. It is also a major factor in the de facto clan partitioning of the country into autonomous regional states, each of which enjoys its own "rent" in the form of seaport customs and other opportunities.

This limited access order is inclusive inasmuch as each clan's elites have a share of state resources. However, the beneficiaries are limited to a small network of elites. Patronage politics exist in this system and help elites maintain at least some support from their clan elders and constituents, but deep currents of resentment of the elite run through Somali popular discourse. The evolution of this elite bargain has been a work in progress since 2000, but was first fully codified in the Mbagathi peace process that led to the creation of a transitional federal government in 2004.

Today, the elite bargain is partly formalised in political structures and agreements, but is also largely a set of informal understandings about the "rules of the game" of Somali resource access and power-sharing. Its main features include: (1) a shared understanding that elites across clan and factional lines will enjoy at least some access to resources flowing through the federal state, even if the lion's share of the resources are controlled by a few dominant Mogadishu-based clans; (2) an agreement that elites of each clan-family enjoy a monopoly on resources in regional member states where their clan-family is dominant; (3) an accord that power-sharing among the elites is enshrined in fixed proportional representation, known in Somalia as the "4.5 formula"; (4) an understanding on the use of embedded political violence (assassinations, or orchestration of communal clashes), and that they remain a tool of choice in inter-elite competition but are constrained compared to the years of open civil war; (5) acknowledgement that new elite groupings, including diaspora members, must sometimes be accommodated through new elite settlements; (6) routinisation of practices requiring businesses seeking to operate in areas of another clan's territory to forge partnerships with business people from the local clan(s); (7) a generally (but not universally) shared commitment to maintaining weak rule of law; and (8) a common desire to attract maximum foreign interest in and financial support for Somalia.

The durability of the elite bargains?

Three critical factors have contributed to the "stickiness" of the Somali elite bargain. First, the copious flow of foreign aid into the country has expanded shares of the "cake" over which political elites negotiate, and which makes it irrational to defect. With aid come conditions, including donor pressure on the political leadership to desist from resorting to large-scale political violence or from defecting from the agreement.



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Second, the existential threat posed by the jihadi rejectionist group *Al-Shabaab*, which has forced rival elites into levels of reluctant cooperation that would otherwise not been possible. Third, the protection afforded to federal and some regional member state governments by a 22,000-person African Union peacekeeping force (AMISOM). Its planned withdrawal from Somalia in 2018-20 could create a serious security vacuum capable of unravelling the FGS.

However, there are also dangers embedded in the elite bargains that have been struck in Somalia. The political cartels involved in reaching these understandings share a common desire to perpetuate chronic state weakness and insecurity rather than work towards consolidated peace and good governance. The status quo - a highly fragile state that is unable to impose rule of law and provide basic security but which continues to attract large quantities of foreign aid and other sovereign rents - serves their interests reasonably well. The political cartels thus embrace peacebuilding and state-building as lucrative projects, but not necessarily as desirable outcomes. Their powerful business allies and backers seek predictable security environments but not a fully revived state capable of regulating and taxing them. Thus, the very local actors who are expected to play the role of brokers of political settlements and peace accords have in fact been serving as silent spoilers. This constitutes a “wicked problem” for the promotion of consolidated peace in the country. It also contributes to the low levels of legitimacy of the FGS in the Somali public.

Since 2007, the jihadi group, *Al-Shabaab*, has added a new dimension to the armed conflict in Somalia. It rejects the FGS and the principles on which it is based, seeks to drive out foreign peacekeepers and other external armed actors, and aspires to establish an entirely new political order in Somalia, an Islamic state. It also operates outside of the political settlement that frames the FGS, and is a major source of political violence directed at AMISOM, the FGS, and civilians it views as collaborators and enemies. Numerous attempts have been made to explore a negotiated settlement between *Al-Shabaab* and the FGS, but to date *Al-Shabaab* has rejected those overtures: instead, it has effectively penetrated the FGS, and could be interpreted as having entered its own loose elite bargain with political actors, somewhat akin to a mafia protection racket. Its intra-elite “understandings” with other political actors in Somalia constitute the most nuanced, complex, and deadly forms of elite bargaining in the country.

The role of external actors

Extensive external intervention in Somalia, whether in the form of peace operations, diplomatic mediation, or other, has not always contributed to peacebuilding. In some cases, external actors pursuing their own interests in Somalia have contributed to the prolonged crisis. This has especially been the case when regional rivals have played out proxy wars in Somalia. Fairly or unfairly, Ethiopia is frequently blamed by Somali observers for contributing to the perpetuation of conflict and division in Somalia.

Other international actors have played an important role in Somalia, not least through backing different Somali politicians and factions. But far from undermining the elite bargain, this aspect of international politics has been an important part of it, by providing different Somali political factions access to cash and other benefits. Most importantly, international actors have, to date, all been stakeholders in maintenance of general peace and the continued existence of the FGS, which has created unified external pressure on Somali elites not to defect from the elite bargain.



Introduction

The tenuous and partial peace that prevails in Somalia today can be traced back to the 2002-04 Somalia National Reconciliation Conference, or Mbagathi peace agreement, that led to the formation of the Transitional Federal Government (TFG). This paper assesses the factors that led to the original 2004 Mbagathi elite bargain, the political settlements that have underpinned the nascent governmental institutions emerging from that bargain, and the subsequent evolution, elasticity, and “stickiness” of political settlements from 2005 to 2017. Though many of the political actors and interests have changed dramatically since 2004 – including the rapid rise of various Islamist movements and the direct political and military interventions by regional states – the core features of the initial elite bargain from 2004 continue to define Somali politics.

Part I: Mapping the Context of Armed Violence

Precursor to War

Prior to the outbreak of civil war in Somalia in 1988, the country was ruled by the highly oppressive regime of President Siyad Barre. Barre came into power in a coup in 1969, and began his tenure promoting an ideology of revolutionary socialist and nationalist mobilisation targeting three main enemies – clannism, underdevelopment, and neighbouring Ethiopia. This message struck a chord, especially among educated urban youth, and for a time Barre’s one-party government enjoyed popularity. But following a disastrous border war with Ethiopia 1977-78, the regime grew more authoritarian and repressive, and became increasingly clannish, with a few privileged lineages establishing a form of ethno-hegemony over the rest.¹ Corruption was chronic, and an epidemic of land grabbing occurred in riverine areas. The capital, Mogadishu, became the site of virtually all development and opportunity, while the rest of the country languished. The highly centralised government meant few opportunities for enrichment and advancement existed outside the civil service. Robust foreign aid – first from the Eastern Bloc in the 1970s, then the West in the 1980s – propped up the bloated and unsustainable Somali state and its large armed forces. When much of that foreign aid was suspended due to gross human rights violations in 1988-89, the Somali state quickly withered and, in the face of growing clan-based liberation movements, eventually collapsed.

Somalia’s unhappy experience with the Barre regime left legacies on elite behaviour and bargaining, as well as on popular political culture. It reinforced elite impulses to manipulate clannism as a political tool and solidified a zero-sum view of the state and politics, in which control of the state by one clan would come at the expense of others. This, in turn, stoked deep distrust of the state among average Somalis, leaving a legacy of grievances that would only worsen with the onset of civil war. It also reinforced in the minds of Somali political elites the conviction that a revived state would inevitably attract Cold War levels of foreign aid, floating the national economy and enriching those fortunate enough to control key positions in the government. External resources have always been central to elite calculations and bargains in Somalia, an otherwise desperately poor country.

¹ Somali society is divided into four major clan-families, the Darood, Hawiye, Dir, and Digil-Mirifle. Each of those clan-families is in turn sub-divided into dozens of clans and sub-clans. In addition, a portion of the population is identified as non-ethnically Somali (Bantu, or one of a variety of coastal populations such as the Benediri and Bajuni); they are referred to generically as “minority” groups. The two most powerful clan-families in Somalia are the Hawiye and Darood. The interests and calculations of their elites are critical to wider Somali elite bargains.



Phases in Somalia's "Long War"

Somalia has endured several distinct periods of armed conflict since 1988. The first, 1988 – 1992, was marked by civil war, initially between government forces and a number of clan militias, then from 1991 between rival clan militias. The civil war left a devastating legacy: the prolonged collapse of the central government, destruction of most of the infrastructure, a major famine, ethnic cleansing, and the flight of one million refugees. It also spawned a warlord political economy in which powerful militia leaders and their backers profited off looting, warfare, and humanitarian aid. These legacies have shaped the current political economy of the country and contribute to many of the factors blocking a durable political settlement.

From 1995 to 2006, following the failed two-year UN peace enforcement mission (UNOSOM) in 1993-94, Somalia entered a long period of "not war not peace," featuring sporadic armed clashes, low intensity war, and chronic insecurity. Some of the armed violence that occurred during this period, while serious, collectively failed to add up to casualty levels associated with civil war. It was towards the end of this period that a political settlement was reached between Somali political elites representing all of the major clans and factions in the country, with extensive external support and pressure. The Mbagathi IGAD-led peace process (hereafter Mbagathi process), held in neighbouring Kenya, lasted from October 2002 to December 2004. It culminated in a critical elite bargain that has been challenged, renegotiated, or reshaped several times since 2004, but which has remained the basic framework for the country's tenuous political settlement for over a decade. It produced an accord on which a nominal government, known as the Transitional Federal Government (TFG), existed from 2004 to 2012. The post-transitional successor government to the TFG formed in 2012, the Federal Government of Somalia (FGS), has also been based largely on the elite bargain first struck in 2004.

Three major challenges arose to the Mbagathi process elite bargain, all discussed in more detail below. The first was the secessionist state of Somaliland, which refused to recognise the TFG and FGS, and which remains outside the political process in Somalia. The second was resistance from two unlikely tactical allies in Mogadishu: Hawiye clan and militia leaders on the one hand, and Islamists on the other. Together they prevented the TFG from relocating to the capital in 2005 and 2006.

The third and most potent challenge has been the jihadi group *Al-Shabaab*, which emerged as the lead armed resistance group to the TFG and the Ethiopia military occupation of southern Somalia in 2007. *Al-Shabaab* has waged a persistent insurgency and terrorist campaign against the fragile new political order in Somalia, and rejects the Mbagathi elite bargain as an illegitimate deal struck by corrupt Somali clan leaders backed by foreign enemies and apostates. As a result, while Somalia is no longer in a state of civil war, it remains beset by chronic violence, much but not all of which is directed by *Al-Shabaab* at the political, social, and business elites associated with the post-Mbagathi political order.

However, political violence in Somalia is much more complex than that. Political rivals within the post-Mbagathi elite bargain collude with *Al-Shabaab* against one another and strike deals with *Al-Shabaab*. Aggrieved clans and their leaders who feel that they have been marginalised in resource and power sharing deals tactically realign with *Al-Shabaab* as an expression of opposition, and then realign with the government if their demands are met. *Al-Shabaab* leverages its capacity to assassinate political and civic leaders to extort money even from those not actively seeking to collude with it. The group is both violently opposing and colluding with the elites in the FGS in a complex and sometimes lethal political dance.



Armed Actor Inventory

The Somali context is highly unusual in that armed violence and episodic civil war has taken place in a context of complete state collapse since 1990. Until recently, the conflict landscape was dominated entirely by non-state armed groups. Even today, the nascent Somali security sector acts more as a loose collection of clan paramilitaries pursuing individual clan's interests, not as an arm of a formal state. What follows is a brief inventory of armed actors of importance either during the period of the National Reconciliation talks.

Clan militias

Political and business elites rely heavily on the coercive capacity of their clan to protect and advance their interests. Clans with weak firepower are at a distinct disadvantage. Clan leaders – a combination of politicians, clan elders, and businesspeople – work to ensure that their clan has effective capacity to mobilise to fight, or threaten armed violence against rivals. Most clan militia members are irregulars who work in private security or are unemployed. Clan leaders actively seek to use the state security sector or other third parties to underwrite their militia, reducing the pressure on them to pay the fighters.

Somali security sector

Most of the Somali security sector, whether associated with the TNG in 2001-02, the TFG in 2005-12, or the current FGS, are clan paramilitaries hatted as government forces but answering to clan political leaders. The TNG's forces in 2002-04 were weaker than the clan militias opposing them in Mogadishu and were not an especially useful tool for the government as it approached the talks. Today, the most effective security forces are the special forces, or *Danab*, but they are small in number.

Regional state militias

Puntland, and more recently formed regional member states such as Jubbaland, have as much fighting capacity as the federal government's forces, and in some cases appear to exercise more effective command and control over them. Except for Puntland these were not in existence in 2002-04, but today are a growing source of protection and power for leaders controlling regional member states.

Al-Shabaab

Al-Shabaab is the most effective armed actor in Somalia. It was only in its early stages of formation in 2002-04 and did not play any role in the Mbagathi talks, but today is the principal spoiler threatening the post-Mbagathi elite bargain (see below).

Private security

Larger business interests all have their own private security forces, tasked with protected fixed assets and the owner and personnel. There are also a number of private security companies operating in the country, especially in Mogadishu. These tend to be the most disciplined forces, and while they are sometimes loaned out for political purposes, they are generally not a factor in elite bargains.

AMISOM

Currently, the 22,000 troops forming the African Union peacekeeping operation are a critical source of protection for elites in the FGS and regional member states. AMISOM did not exist until 2007 and so was not a factor in the Mbagathi talks.

SRRC

The Somali Reconciliation and Rehabilitation Council was a loose pro-Ethiopia coalition centred on a Darood-dominated clan coalition (but that included some Hawiye militias leaders in Mogadishu), with



power bases generally in regions outside the capital city. In addition to enjoying clientelist relations with Ethiopia, this coalition was defined by its anti-Islamist and pro-federalism positions. The SCCR never fought as an integrated force, but during the Mbagathi talks constituted a coalition with relatively strong capacity to employ violence locally. It ceased to exist as a named alliance soon after the Mbagathi accord.

Nature of violence

Some forms of violence in Somalia have remained remarkably constant over the past 25 years while others have emerged more recently.²

Communal or clan clashes are the most prevalent form of violence, accounting for about 35-40% of all reported violence at present, and come in two distinct types. First, localised clashes over access to and control over land or wells, or employment and contracts, which are typically sporadic and brought under control by clan elders. When not brought under control by elders, communal clashes can spiral into a series of revenge killings that can trigger prolonged and bloody communal violence. Second, and more pernicious, are communal clashes engineered by political elites to advance their own interests or weaken a rival. Somalis refer to these clashes as “remote control” violence, and observe that in some cases elites who orchestrate the attacks are residing in Kenya or even Europe and North America. A critical factor in this violence is the ability of political elites to convince their people that the clan’s status is linked to the leader’s personal prestige and power. Politically orchestrated communal violence was the main source of insecurity during the period before and during the Mbagathi talks, and, as discussed below, in some cases was directly linked to it. Today, it is most evident in armed clashes affecting the north of the country, including the disputed regions of Sool and Sanaag, and the disputed border areas of Galmudug and Puntland regional states.

Terrorist attacks are a major scourge in Somalia today, accounting for roughly one third of all acts of violence. They were unknown in 2002-04 during the Mbagathi talks, but began to occur as early as 2005. *Al-Shabaab* is the source of this violence, and targets include government installations, government officials, Somalis accused of collaborating or supporting the government, AMISOM troops, and all international actors supporting the government. While the most dramatic of these are the so-called complex terror attacks, involving a vehicle packed with explosives followed by a second vehicle with armed men, most *Al-Shabaab* attacks are small scale, including assassinations, hit and run ambushes, or mortar or grenade attacks. Occasionally the group mounts a full-scale armed attack against an AMISOM base.

Criminal violence is the third most common form of armed insecurity. Much of this is traceable to unpaid militia and security forces preying on local populations or fighting one another over valuable checkpoints. Piracy is part of this category, and, though currently in remission, remains an episodic concern along the northeast coast. Criminal gangs have grown considerably in number, especially in Somaliland and Puntland, and have long been a problem in parts of southern Somalia.

Counter-insurgency operations count as a form of armed insecurity as well, even if their ultimate goal is to improve security. These operations are carried out by a range of actors, including AMISOM, the Somali armed forces (especially Danab, the special forces unit), regional member state militias, the US military, and unofficial forces associated with the Ethiopian government. This was not a factor in 2002-04 during the Mbagathi talks, but quickly accelerated in 2007.

² This section is based on data collected from daily and monthly UN security reporting in Somalia, and assessments of that data produced for the UN by the author in a series of annual Somalia conflict analysis. Neither the UN daily and monthly security reports nor the annual conflict analysis is available in the public domain; here, summary findings are shared.



The geographic scope of armed conflicts in Somalia has shifted frequently over the past fifteen years, but a number of hot-spots in southern Somalia have always attracted more than their share of violence. Mogadishu ranks among the most conflict ridden, though some neighbourhoods are much safer than others. Until 2013, the port city of Kismayo was chronically contested by multiple armed factions. The contested and valuable riverine area of Lower Shabelle has been the site of ongoing low intensity communal clashes. During the Mbagathi talks, Mogadishu was heaviest hit by armed clashes, but Gedo region and Kismayo were also scenes of intense battles. Even Puntland, which generally has been a relatively stable zone, experienced armed clashes in 2002-04.

Scale of conflict

Rates and lethality of violence in Somalia have waxed and waned since 2000. While some periods are better documented than others, the evidence points to several major trends. In the post-UNOSOM period of 1996-2001, incidents of armed conflict dropped from civil war levels. The period of 2002-03 saw a spike in armed conflicts mostly related to positioning by political leaders engage in the Mbagathi talks. Armed conflict intensified in Mogadishu in the firsts months of 2006, then fell off dramatically across south-central Somalia during the brief reign of the Islamic Courts Union. Following the Ethiopian military invasion of December 2006, the ensuing period of insurgency and counter-insurgency in 2007-08 constituted the highest levels of armed violence since the 1991-92 civil war, mostly concentrated in Mogadishu. After a gradual decline in insurgency violence in 2009-12, rates and lethality of armed violence in Somalia grew again. In the 12-month period before and after the declaration of the FGS in 2012-13, the number of armed incidents per month nationally ranged from 80 to 230, and reported fatalities ranged from 100 to 600 per month.³ Terror attacks during that same period ranged between 5 and 22 per month, none producing more than a handful of casualties.⁴ By 2015, the total number of armed incidents per month ranged from 234 to 316, peaking in March 2016 at 346. Terrorist attacks averaged 81 per month in 2015, peaking in March 2016 at 116 attacks.⁵

Structural causes of the conflict

Land

Communal competition over valuable land – pasture, wells, irrigable farmland, and especially cities and towns – has been at the heart of the Somali crisis since 1990. Many of the grievances fuelling the initial civil war can be traced to land grabbing in the 1980s.⁶ Land disputes continue to enflame tensions and stoke armed clashes and killings across parts of Somalia. Political elites are often direct beneficiaries of land grabs, especially when their clan gains control of a lucrative seaport, airstrip, or commercial artery. But on this issue the political elite is beholden to and constrained by the interests of their clans. Control of land is a matter of existential importance in Somalia, and places considerable pressure on the political elite to defend and advance their clan's claims on territory. Not surprisingly, the country has numerous “green lines” in both cities and the countryside, and those clan borderlands can be the site of serious clashes, as has been seen most recently in the Puntland-Galmudug clashes near the city of Galkayo.

Urban real estate is increasingly central to land tensions. Little progress has been made on urban real estate disputes, which are ubiquitous in high value markets such as Mogadishu and Hargeisa and

³ ACLED, “Country Report: Somalia,” (UK: Armed Conflict Location and Event Dataset, 2013) p 1. http://www.acledata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf

⁴ Ibid.

⁵ Figures calculated from multiple security monitoring reports on Somalia.

⁶ Lee Cassanelli and Catherine Besteman, eds., *The Struggle for Land in Southern Somalia: The War Behind the War* (Boulder: Westview press, 1996).



which, in the case of Hargeisa, has been a leading cause of homicide. In Mogadishu, several types of land disputes continue to create dangerous flashpoints for violence, discourage private sector investment, and complicate national reconciliation. First are the large number of unresolved disputes over private homes abandoned by fleeing residents and subsequently occupied by members of victorious clans in 1991. Some of these properties have been returned to their original owners thanks to negotiations by elders and, usually, payments, but many remain occupied and form part of clan grievance narratives. Second is occupation and ownership claims of state property from the Barre era. Valuable government land and buildings have been occupied and efforts to evict the new residents have been met with resistance. Finally, private land sales have been the source of endemic and sometimes violent disputes, featuring multiple claimants, paid witnesses, and the rise of an entire industry devoted to the generation of fraudulent claims designed to earn settlement money.⁷

Communal land clashes have been most violent and endemic in high value irrigated agricultural land along the Shabelle river. The Lower Shabelle river valley is the scene of chronic clan clashes over both disputed land and political control of the area, and also draws in government forces and *Al-Shabaab*. Land-based clashes have also been chronic in parts of the Middle Shabelle riverine areas and in Beled Weyn.

Control of rent-producing structures

The true windfall profits in Somalia are generated by control of rent-producing institutions and structures. Control of the federal government is obviously the top prize, but control over regional member-state governments, municipalities, well-positioned ministries, seaports, and airports are all the objects of fierce elite inter-clan and intra-clan competition. Some Somali elites have negotiated direct control of a rent-producing structure to ascend to national power. Abdullahi Yusuf, for instance, used his hard-fought quest to become President of the newly formed state of Puntland as a platform to win the position of TFG President at the end of the Mbagathi peace process. Other elites rely on financial backers who exercise direct control of these assets.

Representation and Mobilisation of Identity Politics

Clannism has been mobilised over the course of the Somali crisis to an extreme level, and is often blamed for the country's prolonged crisis. Political elites effectively mobilize and manipulate clan anxieties and old disputes in pursuit of their agendas, but are also constrained by clan dynamics. One of the many ways clannism serves as an underlying source of conflict is in any political assembly, peace conference, or negotiations over the composition of a government. In those talks, clan representation is a critical factor, and a conflict driver if a group, or elites from within a group, are excluded. Inclusivity is a major preoccupation in Somali politics. As one study has noted, "The late Mogadishu warlord General Mohamed Farah Aideed first coined the expression *loomaa dhamma* – 'not inclusive'... This phrase has been used time and again to dismiss peace agreements and justify a continuation of conflict, although it often means little more than the absence of certain individuals from the negotiating table."⁸

Grievances

Both the abuses of the Barre regime in the 1970s and 1980s, and the atrocities and ethnic cleansing associated with the Somali civil war of 1988-92, produced profound levels of grievances across Somali society. These are easily stoked by violence entrepreneurs to mobilise for armed conflict. The consistent unwillingness of the Somali political class to address these grievances and discuss transitional justice means that grievances remain dry kindling.

⁷ Rift Valley Institute, *Land Matters in Mogadishu: Settlement, Ownership, and Displacement in a Contested City* (Nairobi: RVI, 2017) <http://riftvalley.net/publication/land-matters-mogadishu#.WS2ZIOvyupo>

⁸ Warson Cisman Saalax and Abdulaziz Ali Ibrahim 'Xildhibaan,' "Somali Peace Agreements: Fuelling Factionalism," *ACCORD* issue 21 (2010) <http://www.c-r.org/accord-article/somali-peace-agreements-fuelling-factionalism>



War economy and predation

The rise of a war economy in Somalia since 1991 fuels continued instability and armed violence, as both are essential preconditions for profitable predatory behaviour by armed groups against civilians and rivals.

Demographics, poverty, and unemployment

Somalia suffers from some of the highest rates of unemployment in the world, with urban centres featuring unemployment levels between 60 and 80 percent.⁹ Increasing pressures on rural livelihoods is leading to destitution and urban drift, contributing to very high rates of urbanisation in Somalia – its urban population is growing at 4 percent annually.¹⁰ In addition, the country has extremely high fertility rates, at 6.7.¹¹ Collectively this is generating a large cadre of unemployed and frustrated urban youth, which facilitates recruitment into militias, insurgencies, and gangs.

International intervention

Extensive external intervention in Somalia, whether in the form of peace operations, diplomatic mediation, or other, has not always contributed to peacebuilding. In some cases, external actors pursuing their own interests in Somalia have contributed to the prolonged crisis. This has especially been the case when regional rivals have played out proxy wars in Somalia. Fairly or unfairly, Ethiopia is frequently blamed by Somali observers for contributing to the perpetuation of conflict and division in Somalia.

Proximate causes of the conflict

There are several proximate causes of the conflict. The single greatest proximate cause of conflict is elites' interests in fomenting communal clashes to punish, weaken, or out-manoeuvre a rival. This is often referred to by Somalis as warfare by "remote control" because the engineers of communal clashes are often in distant cities or countries.

A second factor was the state-building talks themselves. Any peace talks that include negotiations over power-sharing in a local or national administration is conflict-producing. Elites use violence to improve their power and bargaining position during the talks, and resort to violence as spoilers of accords they do not like.¹²

Third, are unresolved killings. Somali clan elders are responsible for applying customary law or *xeer* to resolve inter-clan disputes and crimes. When customary law break-down – due to the scale of violence, or inability of elders to negotiate compensation – revenge killings are common and can spiral into full-scale communal warfare.

Finally, Somalia is highly vulnerable to weather extremes, and when severe droughts occur they intensify communal competition over access to pasture and wells.

Nature of the political economy and the state.

In the years leading up to the 2004 Mbagathi accord, Somalia was a completely collapsed state, with no recognised central government. A peace process in 2000 convened by the government of Djibouti led to the declaration of a Transitional National Government (TNG), but it never became even

⁹ Federal Government of Somalia, "Somalia National Development Plan 2017-19" (Mogadishu: FGS, 2017), p. 5.

¹⁰ "Somalia Urbanization," IndexMundi <http://www.indexmundi.com/somalia/urbanization.html>

¹¹ UNICEF, "Somalia Statistics" https://www.unicef.org/infobycountry/somalia_statistics.html

¹² Ken Menkhaus, "Somalia: Governance versus Statebuilding," in Charles Call, ed., *Building States to Build Peace*, 187-216 (Boulder: Lynne Rienner Press, 2008).



remotely functional and went unrecognised by most of the world. Somalia was divided into dozens of spheres of influence, defined by a patchwork of overlapping, informal systems of governance including warlord fiefdoms, sharia court-governed neighbourhoods, nascent regional polities like Puntland, municipalities, and clan-based customary authority. Business leaders were taking on a more assertive role as financial backers of local non-state armed groups, and using their own private security forces to protect assets and negotiate access for trans-regional commerce.

The political economy of Somalia during this time period was a mixture of unregulated and open market competition, violent oligopoly, and socially regulated private sector services. Some sectors of the economy, like remittance services, featured wide-open competition between large and small companies. Others, like the telecommunications sector and import-exports, featured a few large companies that made use of a variety of tools, including threat of violence, to limit competition. Still others, like electricity providers, ran neighbourhood grids with prices set in negotiation with local elders.

This setting was hardly ideal for Somali citizens. But it was not armed anarchy along the lines of what had occurred in 1990-92. It was a period of economic expansion, fuelled by remittances, and a period of “governance without government” in which businesses could operate in relative security and Somalis were able to live with some degree of security. Somali resilience and adaptation took the sharp edge off state collapse. For some powerful Somali interests, this operating environment was predictable and profitable enough to create mixed feelings about the revival of a formal central government.

The major change that occurred in the political setting shortly after the Mbagathi accord was the rise of multiple, powerful Islamist political movements. Even after the Union of Islamic Courts was defeated by an Ethiopian offensive in December 2006, its military wing, *Al-Shabaab*, grew in power and became the top source of insecurity. Somali Islamist political parties and movements began to increase in number and influence as well, culminating in the Presidential victory in 2012 of Hassan Sheikh Mohamud, backed by an Islamist group known as Dam-al Jadiid, or “New Blood.” Aside from the armed rejectionist groups *Al-Shabaab* and Hizbul Islam, the new Islamic parties and movements were able to insinuate themselves into the Mbagathi elite bargain relatively easily.

Regional and geo-political context

Somalia’s regional neighbours have been deeply and directly involved in the country’s politics, and in some cases maintain patron-client relations with Somali elites. Ethiopia, Kenya Uganda, and Djibouti all maintain armed forces in Somalia as part of the AMISOM peace operation. Ethiopia is the most assertive of the neighbours, and can exercise veto power over Somali political developments it deems a serious threat to its interests. Many Somali elites resent Ethiopian hegemony in their country, but most leaders have learned to come to a modus vivandi with Ethiopia. Kenya has much less influence in Somali affairs except in the long border area in Somalia known as Jubbaland, but has been an important host for Somali political meetings, and Nairobi has served as a de facto commercial capital for Somalia, a site of hundreds of millions of dollars of Somali business investments. For the 2002-04 Mbagathi accords, Kenyan diplomats mediated the long peace talks with external assistance from the UN and Western states. As discussed below, Ethiopia ended up playing a decisive role at Mbagathi as well.

Other regional actors, mainly from the Middle East (including UAE, Turkey, Qatar, Saudi Arabia, and Egypt) have played a more assertive role in Somalia in recent years, backing rival Somali politicians and playing out their own political rivalries on Somali soil. The money that Turkey and the Gulf states have provided to local politicians has intensified competition during indirect elections and is a new



strain on the elite bargain. These external actors were not consequential during the initial elite bargain at Mbagathi but today are critical to it.

International interventions

Following the ill-fated UNOSOM intervention in 1993-94, the UN and US largely left Somalia to its own devices from 1995 to 2002, and the European Union remained the main donor. Following the rise of *Al-Shabaab* and the security threats it posed, the situation changed and, by 2007, international commitment to ensuring the success of the TFG intensified, with the US, UN, and UK governments stepping up engagement. This has ensured a sizable flow of foreign aid and a growing presence of diplomats and aid workers at the Mogadishu International Airport complex. Security sector support has been especially robust, and now includes US and other military advisors embedded with Somali armed forces.

Part II: The antecedents of an elite bargain

The elite bargain reached in 2004 in the Somali National Reconciliation Conference at Mbagathi was an important stage in the evolution of political and economic elite interests from the early 1990s. “Getting to yes” at Mbagathi was facilitated by several other factors, including the promise of substantial foreign aid, sustained pressure and mediation from external actors, and elite fears of being left out of a potentially lucrative arrangement.

Seeds of an Elite Bargain in the 1990s

In the first years of the civil war and UNOSOM intervention (1991-95), Somali elites were in no position to reach any kind of bargain. First, the profound levels of violence, displacement, and destruction associated with the civil war was deeply polarising for both average citizens and elites alike. Many of the new elites who arose in the civil war were well-known to one another, as most had had positions in the Barre government. But in their new wartime roles as military leaders and/or heads of clan factions, most were complicit in violence and looting and could accurately be labelled warlords. The ethnic cleansing that accompanied the civil war left Somali society so bitterly divided that the faction leaders had very limited space to reach intra-elite bargains even if they wished to. The Addis Accord of March 1993, which bound the fifteen faction leaders to a national reconciliation and state-building process, was signed under enormous international pressure and was never respected by the signatories. Follow-up meetings to negotiate a draft constitution were acrimonious and never made progress, and the central government was never revived during the ill-fated UNOSOM intervention of 1993-95.¹³

The first change in elite composition and interests that offered a ray of hope for an elite bargain came in the mid-1990s in the form of the rise of a business class, a transition described as a shift “from warlord to landlord.” A number of factors converged to make this happen. First, UNOSOM injected hundreds of millions of dollars into the Mogadishu economy, on salaries, vehicle and property rentals, procurement, construction and other expenses, producing major new opportunities for “legitimate” businesses and Somali entrepreneurs, including some warlords, invested in those businesses. Second, the large Somali diaspora – numbering one million by 1994-95 – began to send remittances back home, and was facilitated in that endeavour by the tele-communications revolution. The remittances, which eventually reached \$1.5 billion annually, underwrote Somali

¹³ Ken Menkhaus, “International Peacebuilding and the Local and National Dynamics of Peacebuilding in Somalia,” in Walter Clarke and Jeffrey Herbst, eds., *Learning from Somalia: The Lessons of Armed Humanitarian Intervention*, 42-63 (Boulder: Westview Press, 1997).



market demand for basic consumer goods and services, to which the local private sector responded. Finally, with no government to pay customs to, Somali traders established a robust transit trade of goods through Somalia into regional markets. Collectively, this generated a business class that by 2000 had both wealth and political clout who did not necessarily desire a revived central state, but did want an end to destructive war and criminality, both of which were bad for business and which threatened their fixed assets.¹⁴ External actors frequently made the mistake of conflating the private sector's interest in security and order for a desire for a revived state, when it was possible to want one but not the other.

The remittance, telecommunications, transport, wholesale, and other businesses that thrived post-UNOSOM required a national presence, which meant businesspeople needed to forge cross-clan partnerships. The private sector thus became a force for routinised and improved cross-clan relations and shared business interests. Businesses were not always a force for peace agreements – some business leaders were adept at using armed conflict as a tool – but the rise of a business elite with broad interests in a secure and predictable operating environment was certainly a critical prerequisite for the elite bargain that was forged in 2004.¹⁵ Some of the business community were also members of a loose Islamist network, including alumni of the defunct Al-Ittihad Al-Islamiyya group which disbanded in 1996. That network was cross-clan in nature and served as a conduit for cooperation across clan conflict lines.

Furthermore, in the years following the UNOSOM withdrawal, international disinterest in Somalia created space for regional actors to attempt to play a mediating role in Somalia. Kenya, Egypt, Yemen, and Ethiopia all pursued rival peace processes in the late 1990s, followed by Djibouti's Arta peace process in 2000. None of these talks led to a functional elite bargain as levels of trust were too high for a national pact, but they did produce coalitions. Some leaders boycotted these talks; others attended the talks to control or derail them; and those who were unhappy with the direction of one set of talks simply defected to another as the multiplicity of rival talks enabled Somali elites to engage in "forum shopping."

The failed peace efforts of the late 1990s exposed a faultline of enduring significance between two broad coalitions in Somalia – the Somali Reconciliation and Rehabilitation Council (SRRC) and the "Mogadishu Group." The Mogadishu Group was based in the capital, centred on Hawiye clan political leaders and their allies, centralist in orientation, with at least some ties to a rising Islamist movement, and increasingly anti-Ethiopian. The SRRC was centred on a Darood-dominated clan coalition (but that included some Hawiye militias leaders in Mogadishu), with power bases generally in regions outside the capital city, strong Ethiopian ties, anti-Islamist sentiment, and inclined toward federalism. A number of opportunistic Mogadishu-based Hawiye warlords floated back and forth between the two coalitions. The 1990s peace processes typically advanced the interests of one of these coalitions at the expense of the other and, although the monikers of the two coalitions eventually fell into disuse, the divergent interests they embodied remained a faultline in subsequent elite settlements.

While the peace processes of the 1990s failed to bring about national reconciliation, they succeeded in brokering partial elite bargains that helped to form broad if tenuous coalitions like the Ethiopian-backed SRRC. Compared to the highly fractured political environment of the early 1990s, this was at least modest progress.

¹⁴ UNDP-Somalia, "Somalia Human Development Report 1999," (Nairobi: UNDP, 1999).

¹⁵ Ken Menkhaus, "Governance without Government in Somalia: Spoilers, Statebuilding, and the Politics of Coping," *International Security* 31, 3 (Winter 2006-07), pp. 74-106.



The Arta Peace Process and the Transitional National Government, 2000-02

The most impressive, if partial, elite bargain of this period was the deal reached in 2000 in Arta Djibouti. It began as a broad-based effort at national reconciliation involving both top political/militia figures and civic and clan representatives. It eventually devolved into a pact between leading Mogadishu-based businessmen, powerful Djiboutian interests, and Islamists.¹⁶ That pact resulted in the creation of the Transitional National Government (TNG), which existed as a nominal government authority from 2000-02. It was rejected by the SRRC, some Mogadishu warlords, the autonomous state of Puntland, and Ethiopia, and while the UN Political Office for Somalia (UNPOS) was an enthusiastic supporter, the rest of the UN system and international community took a “wait and see” attitude. Its only external support of consequence came from some Gulf states, in the form of foreign aid.

Because so many Somali factions openly rejected the Arta Accords and the narrow coalition which came to dominate the TNG – a group described by one analyst as the “Mogadishu mafia”¹⁷ – it cannot be considered a genuine elite bargain. At best, it was a loose and opportunistic coalition. almost of the energy invested in the Arta process focused on the division of anticipated spoils; namely, the share of seats in the parliament and cabinet by clan. And once the TNG was established, virtually all its energy was geared to soliciting foreign aid.

Nonetheless, Arta helped produce conditions that would eventually provide a more conducive environment for an elite bargain at Mbagathi. Along with the earlier peace conferences, it was part of a period of routinised gatherings of Somali factional and clan leaders sponsored by hopeful (or opportunistic) regional actors. They were at least sitting at the table, even if some were present only to sabotage the talks. Second, for the Somali elite, the Arta talks began to signal that external efforts to revive a central government in Somalia were serious and sustained, and would eventually succeed. Staying engaged in talks thus became more important, as the costs of being absent could be substantial. This latter observation was reinforced by a major Saudi grant to the TNG in 2001, rumoured to be in the neighbourhood of \$50 million, which was quickly dispersed among the top politicians and their business backers instead of being used to jump start the government. The scandal eventually led to the forced resignation of the Prime Minister by the TNG Parliament. But the episode reinforced in the minds of the political elite that state-building pacts, even if stillborn, attracted easy money from external actors, and it made good sense to secure a seat at the table even if one had no intention of seeing it succeed.¹⁸

The Arta process also mobilised the international community to explore the creation of a new, post-TNG government once the TNG’s two two-year term expired in 2002. The hope was to bring the TNG leadership together with the constellation of opposition groups to forge a true, national reconciliation pact. Finally, Arta helped to institutionalise the “4.5 formula” of clan proportional representation (discussed below) that has, despite sustained criticisms, continued to define elite bargains in Somalia.

What Arta failed to do, however, was win over three powerful constituencies – a coalition of rival Hawiye warlords in Mogadishu, non-Hawiye clan leaders in the rest of the country, and neighbouring Ethiopia.

¹⁶ Powerful Djiboutian businessman and politician Abdulrahman Bore had significant business partnerships in Mogadishu and helped steer Djiboutian foreign policy in support of the Mogadishu Group, but at the cost of alienating Ethiopia.

¹⁷ Andre Le Sage, “Somalia: Sovereign Disguise for a Mogadishu Mafia,” *Review of African Political Economy* (Feb. 2007), pp. 132-38.

¹⁸ Ibid.



The impact of autonomous regional states

Another possible factor in the success at Mbagathi was the successful rise of two state-like polities in northern Somalia: the secessionist state of Somaliland in the northwest and the non-secessionist, autonomous state of Puntland in the northeast. These two nascent administrations both reflected durable local elite bargains that enabled them to expand trade out of their seaports, generate customs revenues of interest to ruling elites, and create attractive environments for local business. Many Somali observers contend that this had a powerful demonstration effect on southern Somali political leaders and may have even induced a sense of urgency to forge an accord to establish a government in Mogadishu. Puntland in particular raised hopes that Somali state-building might be achieved via a “building blocks” approach consisting of the creation of federal states that would be the basis for negotiations to forge a new government.¹⁹

The introduction of federalism as a system of government in Somalia can be traced to the rise of Puntland and Ethiopia’s preference for a federal Somalia. Not surprisingly, some Hawiye clan leaders who controlled the capital Mogadishu viewed the building block approach with suspicion, as a ploy by Ethiopia to divide Somalia into weak clan based federal states and deprive Mogadishu of power and resources. Regional rivals of Ethiopia, like Egypt and Eritrea, were equally suspicious of federalism and backed visions of a strong unitary Somali state. This division over a unitary versus federal Somali state was a major impediment to an elite bargain leading up to 2004, and even after the signing of the Mbagathi accord continued to serve as a major point of discord.

External actors

External actors played a critical role at Mbagathi, once they were able to overcome their own intra-elite rivalries. The fact that all major external actors were in varying degrees supportive of the Mbagathi talks was essential to reducing incentives for Somali defections. The regional organisation IGAD (Intergovernmental Organisation for Development) was the formal sponsor of the talks.²⁰ It was viewed as the preferred lead mediator because, at least in theory, it combined regional ownership of the mediation process (in line with the “African solutions for African problems” philosophy) and improved odds of coordinating regional actors who in the past tended to work as rivals on Somalia. In reality, IGAD diplomacy was dominated by the most powerful state in the region, Ethiopia, while Kenya, Ethiopia, and Djibouti played lead roles on a technical committee facilitating the meeting. Tensions between the three were chronic, especially between Ethiopia and Djibouti, which had backed rival coalitions in Somalia. The Kenyan government hosted talks and provided several senior diplomats to serve as mediators, with varying degrees of success. Ethiopia eventually prevailed in its sustained bid to shape the outcome of the talks. Its main goals – a federal Somalia, and selection of a pro-Ethiopian government – were both realised.

Outside the regional actors, the European Commission played the most robust role supporting the talks. It was a key source of financial backing, and provided expert advisors to support the mediators who played an important behind the scenes role on everything from the selection of delegates to trouble-shooting impasses in the deliberations. The US was supportive but had limited resources devoted to Somalia at the time and so kept its role modest. The UN political office for Somalia was not a major player at the outset of the talks, but later played a growing role, especially after the declaration of the Transitional Federal Government.

¹⁹ Matt Bryden, “New Hope for Somalia? The Building Block Approach,” *Review of African Political Economy* 26, 79 (March 1999), pp. 134-140.

²⁰ “Peace Talks Underway in Kenya,” *IRIN* (Oct. 15 2002) <http://www.irinnews.org/report/35154/somalia-peace-talks-underway-kenya>



One external factor that is sometimes overstated in the Mbagathi peace process is the “securitisation” of statebuilding. In the aftermath of the 9/11 attacks, the US came to view “ungoverned space” as a likely location for Al Qaeda and other terrorist groups to exploit, and hence prioritised statebuilding as part of a wider national security strategy. Other governments pursued similar policies. It is thus easy to conclude that a driver of the Mbagathi process was a Western imperative to ensure a government in Somalia for security reasons. The reality was more complex. During the 2002-04 period, Somalia was not a site of jihadi threat, except for a very small number of East Africa Al Qaeda cell members passing through Mogadishu. There was a brief period of worry in late 2001 and early 2002 when the US planned counter-terrorism military operations inside Somalia, but there were no real targets at the time. *Al-Shabaab* was not yet in existence as a formal organisation, and the securitisation of state-building only came in 2006-07, generating considerable external support for the TFG.

Part III: Key features of the elite bargain

The Somali National Reconciliation Process was structured as a three-phased process: declaration of a cease-fire; resolution of key conflict issues; and a power-sharing accord in a new transitional government. It was initially situated in Eldoret Kenya, but was later moved to Mbagathi. The Eldoret talks, intended to start in April 2002, immediately encountered serious obstacles and delays. First, the TNG President Abdiqassim viewed the IGAD-led talks as an Ethiopian-orchestrated process designed to trap and/or marginalise his government. As late as June 2002 he refused to have the beleaguered TNG, which by then had almost no funding and was unable to pay its militia, participate in any peace talks in which Ethiopia was involved.²¹ It was only after most of his cabinet defied him and agreed to attend – out of fear of being cut out of whatever deal might be struck – that the rump TNG administration agreed to attend.

Second, the issue of representation at the opening plenary session bedevilled the process. Conveners had mapped out a carefully selected invitation list of 200 Somalia leaders, designed to incorporate the TNG, regional state authorities, militia commanders, clan leaders, and key business and civil society figures. But ambitious Somalis who wanted to attend the talks but who were not extended an invitation travelled to Eldoret anyway, secured forged papers, and joined in the talks, and the gathering ballooned into a meeting of over a thousand mostly self-appointed representatives.²² Because so many figures involved were not officially representing anyone but themselves, the legitimacy of the process was thrown into question. Disputes over relative clan and sub-clan representation also broke out and delayed the process considerably. The enormous size of the group, meeting for such a lengthy time, also put financial strains on the host, Kenya. The Kenyan Special Envoy at the time, Elijah Mwangale, sought to reduce the number of delegates to 350, but Somali leaders could not agree on representation. Mwangale eventually declared that the 4.5 formula would be used, limiting each major clan to 84 delegates.²³

Third, power struggles between political and militia figures seeking to position themselves for the talks led to a sharp intensification of armed clashes in southern Somalia, as the “deterioration of governance and alarming outbreak of armed conflicts throughout the country [had left] Somalia in the worst state of insecurity and collapsed governance since 1992.”²⁴ Battles broke out in Puntland; in Mogadishu, between the TNG and rival Hawiye warlords; in Gedo region; and in the port city of

²¹ Ken Menkhaus, “Somalia: June 2002,” (Geneva: Writenet, for UNCHR, June 2002), p. 2.

²² Interview with an advisor to the process, May 2017.

²³ UN Security Council, “Report of the Security General on the Situation in Somalia,” S/2003/231 (Feb 23 2003) <http://reliefweb.int/report/somalia/report-secretary-general-situation-somalia-s2003231>

²⁴ Ken Menkhaus, “Somalia Assessment,” (Washington DC: US Department of State, August 8 2002), p. 2.



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Kismayo.²⁵ Most fighting was intra-clan, reflecting power struggles over who would be the most powerful figure to emerge in each clan-family. A major driver of the conflicts was the desire to secure control over valuable territory as a means of increasing a leader's odds of being invited to the talks, and as leverage once in the talks. One report concluded:

Though most Somalis are sceptical that the peace talks will succeed, the talks have nonetheless prompted Somali political leaders, factions, and clans to jockey to gain favourable positions – by controlling local administrations, territory, or titles – which will increase their chances of winning a seat at the negotiating table. Uncertainty over criteria for participation in the talks is a major factor fuelling this destructive “seat-banking” behaviour.²⁶

A Declaration on Cessation of Hostilities was signed in October 2002 at Eldoret, followed by a cease-fire agreement between the defunct TNG and five Mogadishu-based faction leaders in December 2002, but both were frequently violated.²⁷

The second phase of the talks was the most innovative. This phase was designed to provide Somali professionals, politicians, and civic leaders an opportunity to meet in technical committees to address the underlying conflict issues at the root of the crisis, and then report back to the Leaders Committee. Six topics were slated for discussion: Federalism and a Provisional Federal Charter; Demobilisation, Disarmament, and Reintegration; Land and Property Rights; Economic Institution Building and Resource Mobilisation; Conflict Resolution and Reconciliation; and Regional and International Relations.

This second phase, largely the brainchild of the external mediators and advisors, was well-intentioned and well-conceived, but did not work. First, the political elites convened at the conference, and empowered in the Leaders Committee, had little interest in addressing actual conflict issues.²⁸ The very nature of the discussions would serve to expose the faction and militia leaders to dangerous discussions of war crimes and other sensitive issues they had no reason to address.²⁹ They thus found a variety of reasons to delay and derail this part of the process, and limited the number of civil society representatives in the technical committees to a total of sixteen as a means to silence would-be critics of the armed factions.³⁰ Second, external mediators commissioned Somali consultants from academia and civil society to produce papers addressing the issues to be treated in the technical committees. This was meant to help jump start the process, but was resisted by political leaders who felt too much authority was ceded to consultants appointed by foreigners. Finally, once more disputes broke out over allocation of seats by clans in committees.

By mid-2004, after 18 months, the talks appeared dead in the water. In desperation, IGAD mediators declared the second phase of the talks over and announced the third and final power sharing phase. Not surprisingly, this immediately re-invigorated the interests of the political elites. Under sustained external pressure, especially from Ethiopia, the delegates selected a 275-person transitional Parliament in August and September 2004. The selection process was consociational, following the

²⁵ UN Security Council, “Report of the Security General on the Situation in Somalia,” S/2003/231 (Feb 23 2003) <http://reliefweb.int/report/somalia/report-secretary-general-situation-somalia-s2003231>

²⁶ Menkhaus, “Somalia Assessment,” p. 3.

²⁷ “Mogadishu Cease-fire Declaration Signed,” IRIN (Dec. 3 2002) <http://www.irinnews.org/report/39984/somalia-mogadishu-ceasefire-declaration-signed>

²⁸ Guenter Schlee, “Consultancy Report to the Somali National Reconciliation Conference in Support of Committee 3 – Land and Property Rights,” (Djibouti: IGAD, 15 November 2003) https://www.eth.mpg.de/3709582/consultancy_report_nov_2003.pdf

²⁹ For a detailed critique of the political leaders and the external mediation in this phase of the talks, see Abdi Samatar and Ahmed Samatar. “Somali Reconciliation: Editorial Note.” *Bildhaan* vol 3 (2003), pp. 1-15.

³⁰ UN Security Council, “Report of the Security General” (Feb 23 2003).



4.5 formula, such that each of the five ethnic groupings (the four major clan-families and the collection of minority clans) selected their own representatives to Parliament. The 4.5 formula ensured that all four of the main clan families enjoyed equal representation, but did not guarantee that all clans and sub-clans within those clan-families felt satisfied with their seats in Parliament. The Parliament then voted on a President in a process that was marred by widespread vote-buying. A pro-Ethiopia, Darood clan candidate and avowed anti-Islamist, Puntland President Abdullahi Yusuf, won 189 of 270 votes, while two Hawiye clan finalists split the rest of the votes. This was a surprise result.³¹

From the standpoint of external actors, the use of the 4.5 formula as the basis for representation was preferable as a form of conflict prevention, as a guarantee (or so they hoped) that the transitional government would constitute a government of national unity, and as the only mechanism they could imagine that would avoid the endless disputes over each clan's relative importance to one another. Somali nationalists and other critics of the 4.5 formula argue it institutionalises clannism instead of helping to overcome it. Practically speaking, Somalis are very alert to the clan composition of any government or assembly, and quick to denounce it if perceived to be unbalanced or unrepresentative. In that sense, the 4.5 formula is simply codifying a long-standing informal practice. But even its advocates recognised that it was only a temporary measure, to be replaced in due course with direct elections.

For Somali political elites, the 4.5 formula serves as a guarantee that top figures in each lineage will enjoy a seat at the table in the revived Somali state. In this sense the formula works very well as a foundation for the elite bargain which emerged out of Mbagathi. It not only allocates seats in Parliament, but is used to assess the legitimacy of the cabinets each government forms. The understanding, started first at Mbagathi and serving as precedent ever since, is that a Darood President must select a Hawiye Vice President, and vice versa, while the Digle-Mirifle are accorded the position of Speaker of the House. The rest of the cabinet seats are allocated on the basis of careful clan calculations which, not surprisingly, tends to lead to a bloated cabinet, (President Yusuf's first cabinet had 82 ministers). The process resembles a cake-cutting exercise in which elites jostle for lucrative positions in government.

The federal nature of the government to be formed at Mbagathi was never in doubt, even though it was, and remains, deeply contentious in Somali politics. Key external actors promoted it at Mbagathi primarily as a conflict prevention tactic and because it reflected realities on the ground. For some Mogadishu-based elites, federalism was unpalatable; they feared it would divert resources away from the capital. Nationalists complained it would lead to the balkanisation of Somalia, turning the country into a weak collection of clanustans. But as with the 4.5 formula, federalism had a certain appeal as part of an elite bargain focused on a division of spoils. Each federal state would be in a position to generate seaport customs and other revenue, and guaranteed that each clan's elites could enjoy exclusive control over the rent.

Part IV – The sustainability of the elite bargain

The elite bargain brokered at Mbagathi, while flawed and exceptionally weak, survived, in part because of, rather than in spite of, the serious challenges it soon faced. A series of unexpected circumstances – most dramatically, the rise of *Al-Shabaab* – forced the elites to cooperate and co-exist in ways that would have otherwise been unlikely.

³¹ Ken Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts" *African Affairs* no 106 (Summer 2007), p. 360.



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The first crisis to hit the TFG was self-inflicted. The government formed by President Abdullahi Yusuf was balanced on clan lines in accord with the 4.5 formula but was entirely unbalanced in terms of the broad Mogadishu Group versus SRRC split. Yusuf took advantage of the fact that some Hawiye clan leaders and clans were in the Ethiopia camp to pick a cross-clan cabinet dominated by the SRRC faction. The Mogadishu Group was cut out almost entirely from the government. This was short-sighted on Yusuf's part, as it meant he could not relocate the TFG to the capital Mogadishu without being surrounded by a hostile set of political rivals and their militias. As a result, the TFG languished in Nairobi, and was then unceremoniously forced to relocate to Ethiopian controlled towns in southern Somalia – Baidoa, then Jowhar. The TFG had almost no control over any territory and could not even set foot in the capital. It appeared that the TFG would replicate the stillborn TNG, and external donors were wary of throwing much financial support behind what appeared to be yet another failed experiment at state revival.

The TFG, and the elite bargain that undergirded it, was saved by a series of dramatic and unexpected events in 2006 and 2007. In 2006, a war broke out in Mogadishu between a group of Hawiye clan militias and the Islamic Courts Union (ICU), an umbrella group of sharia courts that provided law and basic security in some neighbourhoods of the capital. The ICU decisively defeated the US-backed militias, and in June 2006 took control of the entire city of Mogadishu. It soon expanded control across most of southern Somalia, and consolidated control in Mogadishu, providing levels of security and governance the city had not seen in almost two decades. The TFG did not even figure in these momentous developments. Relations between the ICU and neighbouring Ethiopia quickly deteriorated, however, as hardline elements emerged in the ICU and engaged in confrontational rhetoric with Ethiopia. A radical, Al Qaeda linked militia within the ICU, which came to be known *Al-Shabaab* in late 2006, was a major factor on this count. Ethiopia invaded in December 2006 and routed out the ICU, driving its leaders into exile. Ethiopian forces occupied the capital, providing the security that the TFG needed to return to the capital.

Al-Shabaab quickly regrouped in the countryside and became the lead armed liberation movement against Ethiopian occupation. By April 2007 the capital was caught up in heavy insurgency and counter-insurgency battles, and Somalia suddenly became a major theatre in the war on terror. *Al-Shabaab's* success in reclaiming territory from Ethiopia, mobilising Somalis and non-Somalis to join its jihad, and its professed loyalty to Al Qaeda alarmed Western governments, and accelerated the flow of economic and military assistance to the TFG. By mid-2008, *Al-Shabaab* was in control of most of southern Somalia, and much of the capital. Ethiopia and the TFG were under siege.

For the elites who had reached the deal at Mbagathi, the ascent of *Al-Shabaab* was a turning point. Failure to respond effectively meant a likely *Al-Shabaab* victory and a lifetime of exile for the entire political class of Somalia. Moreover, posing as an opposition to *Al-Shabaab* held out the promise of copious amounts of external counter-insurgency assistance. Consequently, the US and its allies securitised statebuilding in Somalia; and the Somali elites commoditised Western counter-terrorism fears. Unwittingly, *Al-Shabaab* helped to solidify an elite bargain that would never have held in its absence.³²

Ethiopia and other external actors helped to broker a deal in late 2008 that replaced the ineffective and polarising Abdullahi Yusuf with the former head of the ICU, Sharif Sheikh Ahmed, who returned from exile in Eritrea to lead the TFG. Ahmed was a member of the Hawiye clan-family, and his return to power signalled a new political settlement. Non-Hawiye political elites accepted that the Hawiye were the dominant force in Mogadishu; Ethiopia accepted that it would have to come to a modus vivendi with a Hawiye-dominated government in Mogadishu; and most of the Hawiye political elite

³² Interview with an advisor to the Mbagathi Process, May 2017.



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came to terms with federalism as the system of government, with the need to work cooperatively with Ethiopia. Over the course of 2008-2011 several clans shifted support from *Al-Shabaab* to the TFG, sensing that their interests were better served in the elite bargain. When Ethiopia withdrew its forces from Mogadishu and most of southern Somalia in early 2009, replaced by a 20,000-person African Union peacekeeping force (AMISOM), the political landscape in Mogadishu looked dramatically different. But the underlying elite bargain remained in place and was stronger than before.

The period from 2009 to 2012 was marked by stalemate and political paralysis. *Al-Shabaab* was pushed out of most of Mogadishu by AMISOM forces and forced to retreat to the countryside, but maintained a very effective operational and spy network in Mogadishu known as the Amniyat. Amniyat carried out assassinations against anyone associated with the TFG, resulting in dozens of deaths of MPs and civil servants. *Al-Shabaab* also launched major terrorist attacks against government installations and major hotels, further increasing the risk to anyone who dared work with or in the TFG. Yet MPs, ministers, military officers, and civil servants continued to risk their lives to work in the government. For most, the rationale was not patriotic or altruistic. It was access to resources, the payola for the elite bargain.

With external aid pouring in, the TFG quickly earned a reputation as one of the most corrupt governments in the world.³³ The well-placed Hawiye clan and its powerful political cartels in Mogadishu enjoyed the lion's share of the spoils, but elites from every clan and faction got a piece of the cake. MPs openly put a price on their votes, forcing the Prime Minister or President to pay out for any legislation they sought – or, in some cases, to block a vote of no confidence. Top military officers raked off millions in diverted funds for soldiers' salaries or procurement; port authorities and civil servants profited from diversion of food aid during the 2011 famine; and the Central Bank became a slush fund for the government. Corruption scandals became routine, and went unpunished. The scale of the kleptocracy led some observers to conclude that the Somali political elite was only interested in short-term profiteering, not in genuine statebuilding.³⁴

The federal aspect of the TFG in 2009-2012 remained a source of contention among Somalis, although few federal states were actually in formation at the time. But in one important instance federalism proved itself to be an integral part of the elite bargain. The state of Puntland was fully self-financed thanks to the active seaport of Bosasso, and proved to be a valuable security partner to the US and Ethiopia. Its political and economic elites of the dominant Darood clan, the Majerteen, enjoyed access to a variety of "rents" associated with control of a well-placed autonomous state. The proceeds (which also included lucrative profits from the explosion of piracy off the Puntland coast during this period, in which top elites were deeply implicated) were not as great as those earned in Mogadishu, but they were enough to keep the Majerteen in the TFG.

The period of 2009-2012 helped rival elites consolidate control over territory and resources, thereby reducing direct armed clashes between them and reinforcing the elite bargain. There were still winners and losers in this division of spoils, with aggrieved elites and their clans sometimes turning to tactical alliances with *Al-Shabaab*, and intra-elite competition sometimes manifested itself in assassinations, but the elite compact generally held.

One of the TFG's principal mandates was to end the period of political transition by finalising a constitution for public referendum, followed by universal direct elections. This, and dozens of other

³³ Transparency International has ranked Somalia the most corrupt country on the world every year for the past decade. See Transparency International, "Corruption Perceptions Index 2016" https://www.transparency.org/news/feature/corruption_perceptions_index_2016

³⁴ For detailed allegations of corruption see the bi-annual reports of the UN Monitoring Group for Eritrea and Somalia.



critical transitional tasks, were not advanced at all from 2009-2012. External donors grew increasingly frustrated with the indifference of the Somali political elite to progress on the transition, and grew increasingly suspicious that the leadership of the TFG was committed to staying in power indefinitely. Donor states and the UN pressured the TFG to complete the transition by summer 2012, and forced the TFG into a process that led to indirect elections for a new government, the post-transitional Federal Government of Somalia (FGS).

The indirect elections of 2012 were the result of sustained donor pressure to terminate Somalia's "endless transition" and force a change in the composition of the government. It was resisted by most of the incumbents, especially members of Parliament, many of whom had no contact with their supposed constituents and knew they would be voted out of office by their clan. The actual election was described by some as an "appointocracy," in which UN officials appointed to work in Somalia appointed clan leaders who appointed members of Parliament who elected a President.

The 2012 selection/election process enjoyed little legitimacy. It was rushed, challenged, and heavily criticised by Somalis. The actual election was corrupted with vote-buying with cash supplied by external actors, especially Gulf states. But no political elites rejected the election; the cost of moving outside the political process was too great. For the public, the principal fear at the time was not that the election might lead to a result that would shatter the existing elite bargain, but that the incumbent government would use cash and patronage to secure a victory and return to office, consigning Somalia to four more years of corruption, paralysis, and state failure.

Instead, political outsider and civil society leader Hassan Sheikh Mohamud defeated the incumbent Sheikh Sharif Sheikh Ahmed in a run-off vote. The result stunned most observers, and elicited celebrations among average Somalis that at last a leader who was not enmeshed in the corrupt political cartels was in power. President Mohamud had made a reputation for himself as a civil leader who stayed to rebuild war-torn Mogadishu, had founded a university, worked in a respected non-profit think-tank, and ran businesses. He was untainted by association with militias, and had no record of corruption. His main source of backing came from an Islamist movement known as Damal Jadiid, or "New Blood," a breakaway group from the larger Islamic network of businesspeople and civic leaders known as Al-Islah. Damal Jadiid was cross-clan but drew heavily on one small religious clan, the Sheekal. It had access to funds from the Gulf and made use of them to secure the election victory.

The big unanswered question following Mohamud's victory was whether he could outflank and outmanoeuvre the powerful political cartels that had dominated the TFG, or whether he would be forced to make concessions to it. Mohamud lacked both funds and control of a militia, and hence was powerless in his first months in office. He was compelled to come to terms with the political cartels, and in short order he and his Damal Jadiid faction were accused of the same levels of corruption as the previous government. The elite bargain that had kept the TFG intact survived the challenge of an outsider winning the presidency. In fact, during his four-year term, Mohamud deepened the elite bargain, especially by accepting the creation and empowerment of regional federal states and even working directly with them in a self-declared Somalia National Leadership Forum (NLF). The NLF, composed of the federal government head of state and the presidents of each of the existing regional member states, brought together the top leaders of the main clan-families, and as such was an embodiment of the post-Mbagathi elite bargain. As for the Damal Jadiid faction that enjoyed prominence in Mohamud's cabinet, it was resented by the wider elite network for its privileged access to resources, but was effectively accommodated in a new elite settlement.

For many Somalis, Mohamud's accommodation with the political cartels was an enormous disappointment, as they viewed the Somali elite compact as an unresponsive and corrupt system of collusion, not a pact on which to build trust and good governance. When his term ended in 2016,



Mohamud lost his bid for re-election to yet another reformer, Abdullahi Mohamed “Farmajo,” in another complex indirect election. Farmajo came into office in 2017 promising to combat corruption and advance critical transitional tasks. Somalia still had no permanent constitution, and progress on the drafting of a constitution has been repeatedly delayed.

Conclusion: The status of the Somali elite bargain today

The elite bargain that has been an important part of Somalia’s slow climb out of civil war and state collapse was and remains fragile and vulnerable to decay. It is principally a division of spoils that is held together by a combination of a common threat posed by *Al-Shabaab*, copious levels of security-driven external aid, and protection afforded by AMISOM peacekeepers. If these conditions change, there is a genuine risk that the elite bargain could collapse. If they remain intact, there is a risk that the existing political cartels will work to perpetuate conditions of state weakness and failure. For genuine progress to be made toward a consolidated peace and good governance in Somalia, either the interests of the existing elite must change, or a new cadre of elites must replace the current political cartels.

The elite bargain and the contemporary political structure

The elite bargain brokered at Mbagathi has produced a highly unusual political system, but one that has helped to institutionalise and reinforce the power- and resource agreement at the heart of the Somali elite bargain. The current political structure is temporary, however, and eventually may be replaced by a more direct democratic system that will change and challenge the existing elite bargain.

Today, the FGS is a federal, consociational, indirect democracy. For a number of reasons – *Al-Shabaab* control of much of the countryside, high insecurity, a lack of a final constitution delineating the nature of the electoral system, and government lack of capacity to manage the technical aspects of nation-wide polling – direct elections have not been possible. Instead, in both 2012 and 2016-17, indirect elections were held by electoral colleges. This arrangement was easily manipulated by Somali elites and with few exceptions served them well. In 2016, over 14,000 Somalis were selected by their clan elders to serve as members of the electoral colleges, to elect a 275-person lower house of Parliament. The system is consociational in that each of the four major clans are accorded an equal, fixed portion of seats in the lower house of Parliament, while minority clans are allotted one-half of that amount. This system is meant to be temporary – the 4.5 formula is set to end in the 2020 elections – and is an improvised stop-gap measure meant to reduce the risk of elections triggering renewed war and ensure that the government is, at least on paper, adequately inclusive of all clans. By according the elite of each clan their own seats in government it also reinforces the post-Mbagathi elite bargain.

The federalist feature of the governmental system is also a critical element in the elite bargain. The FGS is now composed of six federal states, with widely variant governing capacities. The most established federal state, Puntland, is, despite mounting problems, a modest but fully functional government. Neighboring Galmudug state is still aspirational, as is the newly formed Hirshabelle state. Importantly, all of the regional member states in the FGS are associated with one dominant clan, and are used as zones of exclusive economic and political opportunities for self-enrichment by the respective elites in each clan. The federal states with active seaports and airports possess the best opportunities for elite rent-seeking, as source of customs revenue. Some regional member state governments such as Jubbaland are also parlaying their importance as a counter-terrorism partner of the West into useful external aid.



The capacity of the FGS, one of the top two or three most fragile states in the world, remains extremely limited.³⁵ The government's first four years in 2012-16 were marked by political paralysis and grand-scale corruption.³⁶ The civil service is thin in capacity; the government provides almost no services and is not strong enough to effectively regulate much more muscular private sector interests. The large Somali security sector is not integrated or under civilian command and control; instead, it consists of a set of clan paramilitaries hatted as army brigades. Due to serious corruption, the SNA is infrequently paid, leading to chronic problems of predation on civilians, desertion, ghost soldiers, moonlighting in private security firms, and collusion with *Al-Shabaab*. The FGS has difficulty even projecting its authority into all of Mogadishu's districts. The FGS's relations with regional member states have been routinised in an ad hoc group called the National Leadership Forum (NLF), which in 2016 served as a critical if extra-constitutional body for decision-making on the election in the face of continued paralysis in the parliament. The FGS's relationship with its constituent member states is marked by negotiation, reflecting the FGS's weakness. This makes Somalia a powerful example of a "mediated" state in which the central state must negotiate its authority through and with sub-state actors. The very weakness of the central government is an important part of the balance of power built into the evolving elite bargain. Were the central government to dramatically increase its strength vis-vis the regional member states, it would risk undermining the elite bargain by empowering one clan elite over the others.

In the negotiations held by the National Leadership Forum in 2016, Puntland insisted on an agreement that the 2016 indirect elections would be the last time the 4.5 formula would be used to form a federal government, and that universal, direct elections will be the formula for the 2020 elections. This aspiration requires, among other things, a ratified constitution and much improved security allowing for polling stations to be safely created across the country. If and when direct, universal elections are held, it will be a new test of the elite bargain. Somali demographics may produce major surprises, including much higher numbers of Somalis of low status or minority group identity. If ethnic bloc voting occurs, as most expect, some Somali political elites may find themselves without the needed numbers to stay in office.

Limited access order

In a 2011 paper, Douglass North et al describe how many developing countries solve the problem of violence and resource competition by creating what they call a "limited access order", which is helpful in explaining Somalia's post-Mbagathi elite bargain:

"Limited access orders, covering most developing countries today, solve the problem of violence by granting political elites privileged control over parts of the economy, each getting some share of the rents. Since outbreaks of violence reduce the rents, elite factions have incentives to refrain from violence most of the time. Stability of the rents and thus of the social order requires limiting access and competition."³⁷

Changing security

The planned AMISOM withdrawal in 2018-20 will put considerable pressure on the Somali security sector to provide adequate security to the FGS and key installations. The security sector is unlikely to be able to play that role, leading to elites expanding their own clan or regional state militias to protect and advance their interests. This could increase the chances of armed clashes and to *Al-*

³⁵ Fund for Peace, Fragile States Index <http://fundforpeace.org/fsi/>

³⁶ Matt Bryden, 'Somalia Redux: Assessing the New Somali Federal Government,' (Washington DC: CSIS, August 2013); Ken Menkhaus, "Somalia Conflict Analysis" (Mogadishu: UNSOM, Feb 2017).

³⁷ Douglass North et al, "Limited Access Orders: Rethinking the Problems of Development and Violence," (Washington DC: The World Bank, Policy Research Working Paper 4259, 2007) <http://econweb.umd.edu/~wallis/MyPapers/Limited Access Orders in the Developing WorldWPS4359.pdf>



Shabaab exploiting the security vacuum to attack and threaten the FGS and its allies. In a worst-case scenario, it could imperil the entire FGS and the elite bargain it represents.

External aid

The copious levels of foreign aid that have poured into Somalia from a diverse set of external actors has provided ample incentive to elites to stay in the game, and has given the post Mbagathi elite bargain a level of “stickiness” it would not have otherwise had. If donor fatigue sets in, or if confidence in the viability of the FGS is badly shaken and aid levels drop, this will increase elite competition over remaining resources and reduce the costs of defection.

External pressure

External actors continue to play out rivalries in Somalia and back different Somali politicians and factions. But far from undermining the elite bargain, this aspect of international politics has been an important part of it. It has provided different Somali political factions access to cash and other benefits. Most importantly, the international actors have to date all been stakeholders in maintenance of general peace and the continued existence of the FGS. This creates unified external pressure on Somali elites to not defect from the elite bargain.

Al-Shabaab

As noted above, the threat posed by *Al-Shabaab* has provided the glue that has helped keep the Somali elite bargain intact since 2007. Were *Al-Shabaab* to be considerably weakened or defeated, or were the FGS and *Al-Shabaab* to reach a negotiated end to the insurgency, the elite compact might come undone, and even lead to renewed level of elite manipulated clan war. To the extent that *Al-Shabaab's* presence is an important factor in the amount of external assistance Somalia receives, the group's demise could also lead to a shrinkage of foreign aid, which could also strain the elite bargain.

The more intriguing question is whether the periodic, tactical collusion that occurs between *Al-Shabaab* leaders and different Somali political elites is itself a nascent new political settlement, in which *Al-Shabaab* is using violence or the threat of violence to force its way into securing a cut of the FGS resources even as it formally rejects the elite bargain the FGS represents. Evidence of *Al-Shabaab* relations with Somali political and business elites is not easily available and so it is impossible to draw conclusions on this issue, but it is an issue worth pursuing. A comparable example would be whether mafias, which simultaneously threaten, extort, collude with, and penetrate local government, are part of or apart from elite bargains in other societies.

The diaspora

The Somali case highlights the importance and complexities of the diaspora in post-war elite bargains. The long Somali crisis has produced an exceptionally large diaspora, numbering about 1.5 million or more people, or about 15 percent of the total population. It is the country's “brain trust,” the repository of most of the professional, educated class in the country. Most of the political and business elite in Somalia hold residency or citizenship rights in a second country. Over the past fifteen years, most of the political elites engaged in federal or regional state governments have been diaspora members and it is increasingly difficult to speak of the Somali elite without reference to their status as diaspora members. The current President of the FGS is American; his Prime Minister is Norwegian; and an estimated two-thirds of the members of parliament are diaspora. Similar observations can be made about the composition of the Somaliland and Puntland governments.

However, it is also important to recognise that the diaspora is not monolithic. Some Somalis have lived most of their lives in Somalia and hold residence or citizenship rights in a second country strictly for convenience. Other diaspora are full-time residents of their adopted country, and have little experience in contemporary Somalia. Still others are younger Somalis born and raised away from



Somalia, who return to Somalia to play a political or other role armed with college degrees and fluent English but with limited knowledge of Somali society, culture, and language.

The fact that the diaspora dominates elite politics in Somalia today means that elites bargains and settlements cannot be understood without reference to the specific interests and dynamics defining the diaspora. Two elements are of particular importance. First, the diaspora is generally transient, coming and going from Somalia as circumstances dictate. The fact that they have the option of retreating to a safe haven raises suspicions in some Somali quarters that they are not genuine stakeholders in the outcomes of their actions. Second, while there are many very committed, reformist diaspora members in the Somali elite, they face mounting resentment by Somalis without foreign passports, for taking jobs and assuming positions of power from the population that lived through the entire crisis. This gap between the diasporas and their alleged constituents is heightened by the fact that many of the diaspora do not possess strong knowledge of and networks with the lineages they are expected to represent. They are, in varying degrees, a “suspended elite” oddly disconnected from their own society.

Somali peacebuilding debates

Finally, Somalia’s long crisis has produced a long-running debate over the role of elites and civil society in peacebuilding and reconciliation processes.³⁸ The discourse is often framed as a debate between the merits of “top down” vs “bottom up” peacebuilding, and begs the fundamental question – are Somali elites part of the solution, or part of the problem? Advocates of bottom-up processes of peacebuilding argue that in the Somali setting, elite bargains that do not actively include wider civil society have no chance of success. They point to the long history of failed reconciliation processes in Somalia as evidence, and criticise external mediators for focusing exclusively on convening a small group of elites in processes that are disconnected from Somali society, often held in foreign capitals.³⁹ Some of the voices in this school of thought focus on the fact that the top political and military elites in Somalia are “warlords” and are part of the problem, not the solution.⁴⁰ Better representation, they claim, can come from civil society leaders. Others emphasise Somali political culture, and the tradition of convening clan elders in large assemblies or *shir* to deliberate at length over matters of war and peace. Every clan in the region is represented in these assemblies, and while the top elders play the most active role, all adult males have the right to be heard. At the end of the day, the elders convene with their constituencies and solicit feedback from them, giving the eventual accord a strong degree of local ownership and buy in. From this perspective, the elders are the negotiators, but their clans are the “ratifiers.” Without the role of ratifiers, deals struck by elites – whether elders or politicians – in hotels in remote capitals have little buy-in and legitimacy back home.⁴¹ This tradition has earned Somalia the reputation of a “pastoral democracy” in which secret elite bargains are anathema.⁴² Advocates of this school of thought point to the single most successful Somali peace process – the series of traditional *shir* from 1991 to 1993 in northern Somalia that produced a societal agreement on the creation of the independent (secessionist) state of

³⁸ See for instance Interpeace, “The History of Mediation in Somalia Since 1988,” (Nairobi: Interpeace, 2009) p. 13 <http://www.interpeace.org/resource/a-history-of-mediation-in-somalia/>; Mark Bradbury, “A Synthesis Report of the Peacemapping Study,” (Nairobi: Interpeace, 2009); Ken Menkhaus et al, “Somali Civil Society: Peace-Building in a Collapsed State,” In *Civil Society and Peace-Building: A Critical Assessment*, edited by Thania Paffenholz, 321-350 (Boulder: Lynne Rienner Publishers, 2010); Jody Henderson, “Alternatives for Conflict Transformation in Somalia,” (Uppsala: Life and Peace institute, 2014); I.M. Lewis and Ahmed Yusuf Farah, “Somalia: The Roots of Reconciliation,” (London: ActionAid, 1993).

³⁹ Warson Cisman Saalax and Abdulaziz Ali Ibrahim ‘Xildhibaan,’ “Somali Peace Agreements: Fueling Factionalism,” *ACCORD* issue 21 (2010) <http://www.c-r.org/accord-article/somali-peace-agreements-fuelling-factionalism>

⁴⁰ Joe Stork, “The Intervention in Somalia: What Should Have Happened. A Interview with John-Paul Lederach,” *MERIP* no 181 (February 1993).

⁴¹ Interpeace, “The History of Mediation.”

⁴² I.M. Lewis, *A Pastoral Democracy: A Study of Pastoralism and Politics Among the Northern Somali of the Horn of Africa* (London: James Currey, 1961, 1982).



Somaliland – as an example of how broad-based, traditional assemblies can deliver a sustainable political settlement.⁴³

While attempts have been made to expand the role of elders and other civic leaders in political compacts and reconciliation processes, they have generally not been effective, in part because attempts to marginalise militia leaders create an instant and dangerous group of spoilers, and in part because peace processes at the national level can become unwieldy in size and create endless disputes over who has the right to represent whom. This school of thought points to the catastrophic failure of the elite bargain struck in March 1993 as part of the UN peace enforcement mission in Somalia (UNOSOM) as evidence. That agreement between fifteen faction leaders –known as the Addis Ababa Accord – was interpreted by UN officials to mean that the selection of leaders for a transitional national assembly would occur via a bottom up process not under the direct control of the faction leaders. It provoked armed resistance from one spoiler, General Mohamed Farah Aideed, that led to the derailment of the entire mission.⁴⁴ Political bargains and settlements at the local level are, according to this perspective, much better placed to build wider civic involvement into the talks than has, to date, been possible at the national level.⁴⁵ Advocates for political deals involving small numbers of elites and not large assemblies draw on conventional conflict resolution and negotiation theories that contend deals are more easily struck when rival elites are effectively firewalled from constituencies during sensitive periods in talks, especially when potentially unpopular concessions must be made.

Hybrid peace talks and power sharing deals in Somalia, including the Mbagathi peace process, and the advent of new communication technology widely available in Somalia, have made this top down vs bottom up debate something of a false choice.⁴⁶ In reality, the questions have been or should be more nuanced: to what degree and under what circumstances must Somali elites consult their constituents to ensure buy-in on bargains and pacts? Do Somali leaders lead, or are they led, by their clan constituencies? How much autonomy do they have from the interests of their clans and other supporters, and how much power do they have to convince their constituencies to accept deals they have struck? These remain points of contention in debates over Somali elite bargains, and the evidence to date is mixed. With each new election process and formation of new administrations, answers to these questions will become clearer.

⁴³ Lewis and Farah, "The Roots of Reconciliation."

⁴⁴ Ken Menkhaus, "Getting Out vs Getting Through: US and UN Policies in Somalia," *Middle East Policy* 3, 1 (Spring 1994), pp. 146-62.

⁴⁵ Menkhaus, "International Peacebuilding and the Local and National Dynamics of Peacebuilding in Somalia."

⁴⁶ The peace process held in Arta Djibouti in 2000 which produced the short-lived and non-functional Transitional National Government (TNG) (2000-02) was the first to rely on emerging communication technology to broadcast proceedings live to Somalis in country and to see the first extensive use of cell phones to provide feedback from constituent to the representatives in Arta.



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