

“Unless Somali leaders act soon to rescue their transitional government, it may prove impossible to reverse their country’s agonizing decline.”

## Can Somalia Salvage Itself?

MATT BRYDEN

The formation of a transitional Somalian government in October 2004, in Mbagathi, Kenya, was supposed to arrest the country’s vicious cycle of statelessness, insecurity, and humanitarian crisis. Instead, more than a year and a half later, Somalia has rarely been in worse shape. The United Nations reports that some 1.4 million people are threatened by drought and hunger. A recent surge in maritime piracy has made Somali waters among the most dangerous in the world. And a new jihadi organization based in Mogadishu represents a growing terrorist threat to Somalia and the region: clashes between Islamists and a US-backed coalition of faction leaders have rocked the capital with the heaviest fighting in over a decade. Meanwhile, the transitional government has been limping along the path to collapse or—worse—war with itself.

Somalia’s fractious political leaders bear direct responsibility for their country’s plight. Their inability to unite behind a functioning central government means there is no hope for the rule of law, no way to provide assistance to those most in need, and no means to counter extremist ideologies and the terrorist acts they give rise to. Unless Somali leaders act soon to rescue the transitional government, it may prove impossible to reverse their country’s agonizing decline.

### THE PEACE PROCESS

They have had an opportunity to do so since late February, when Somalia’s transitional parliament convened in Baidoa, a hot, shabby town in the drought-stricken southwest part of the country. Although the legislators have taken promising steps to overcome their differences and stabilize the transitional institutions, the most daunting challenges still lie ahead.

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The last full session of the legislature took place in March 2005, at the Grand Regency Hotel in Nairobi, where a vote on foreign peacekeepers degenerated into a brawl. The government subsequently split into two evenly matched armed camps. One, led by the speaker of parliament, Sharif Hassan, and a number of faction leaders cum ministers, returned to Mogadishu. The other, led by President Abdillahi Yusuf Ahmed and Prime Minister Ali Mohamed Gedi, settled in the town of Jowhar, some 60 miles north of the capital.

Until early this year, it had seemed as though the peace process had stalled and that the transitional government would go the same way as other forgotten governments declared in Somalia since the collapse of Mohamed Siad Barre’s dictatorship in 1991. But a political breakthrough in early January may have given the transitional government a new lease on life. During talks in Aden, Yemen, the president and speaker met and agreed on reconvening parliament as the way to resolve their differences.

The future of the peace process now hinges on the parliamentary session’s progress in Baidoa. In the worst case scenario, the assembly would fall apart, much as it did in Nairobi last year. But even the best case scenario would effectively mean starting from scratch. The transitional government could at last get down to work rebuilding the country, but with only three and a half years remaining in its five-year mandate.

The past year and a half have not been entirely wasted. The government’s serial errors, most of which it could have easily avoided, provide emphatic lessons from which it now could learn. If Somali leaders are not to waste this fleeting opportunity to rescue their country, they must reflect on what has gone wrong and approach the remainder of the transition from an entirely fresh perspective.

### THE CYCLE OF FAILURE

The transitional government is not the first such government in post-Barre Somalia, although it will

hopefully be the last. There have been no fewer than five internationally sponsored authorities declared since 1991 and a larger number of self-declared “presidents.”

Somalia’s cycle of failure has become depressingly predictable. A foreign power hosts a “peace conference” punctuated by declarations of repentance, fraternity, and nationalistic fervor. A transitional national authority, encumbered by dozens of fictitious ministries, eventually emerges. With the connivance of the host country, a narrow political clique—usually identified with specific clan interests—manages to monopolize power. Bands of motley militia from friendly clans are assembled and proclaimed a “national army.”

Meanwhile, a loose, opportunistic opposition alliance coalesces and launches a political and military campaign to discredit the new government. The government angrily denounces the opposition as “spoilers,” “criminals,” and “terrorists” determined to prevent the restoration of legitimate government. Foreign governments pick sides and provide limited financial and military support to their proxies. The lucky recipients make money by selling the surplus arms and ammunition in local markets, and the violence escalates.

Unable to exercise authority at home, the leadership dons glossy suits and embarks on extended junkets to foreign capitals and international conferences, intended to garner international legitimacy and solicit foreign aid. Of the little aid that actually arrives, most goes unaccounted for. Ultimately, having achieved next to nothing, the whole enterprise unravels or the mandate expires, a fact of which only the leaders seem unaware as they cling to their honorifics. Postmortem analyses reveal that the root cause of failure is insufficient support from the “international community.” A friendly country steps in to salvage the situation and the cycle repeats itself.

Close observers of the current transitional government have watched in frustration as it stumbles along this well-trod path. If these Somali leaders want to escape the fate of their predecessors, they must do three simple things: form a government of national unity, respect the transitional charter, and get started on the transitional program.

## THE PRETENSE OF UNITY

Since the collapse of Somalia’s dictatorial regime in January 1991, international efforts to restore order have mostly concentrated on reviving the central state. More often than not, these efforts served

only to aggravate political tensions and escalate the level of violence. The declaration of an interim government headed by hotelier Ali Mahdi Mohamed in early 1991 triggered clashes in the Somali capital that left over 30,000 people dead. The ill-fated deployment of more than 30,000 US and UN troops to Somalia in December 1992, ostensibly to alleviate famine conditions in the country, was abandoned following violence that claimed the lives of dozens of peacekeepers and hundreds of Somalis.

During the late 1990s, international hopes for reconstruction of the Somali state shifted to what became known as the “building blocks” approach, which recognized and supported the emergence of effective regional administrations in parts of the country. When a Transitional National Government (TNG) was formed in 2000, however, it excluded the leadership of these “blocks” and offered instead a platform for their political rivals. Popular support waned and the government became increasingly aligned with the interests of the president’s clan.

At the same time, the TNG was accused by Ethiopia—not without justification—of links to Islamist groups, including members of the jihadi organization al-Itihaad al-Islami, which had struggled throughout the early 1990s to unify all Somali-inhabited territories of the Horn within a totalitarian Islamic state. (In early 1997, Ethiopian raids on al-Itihaad bases inside Somalia succeeded in dismantling the organization, although some elements later went on to establish a shadowy jihadist network with links to Al Qaeda.) The stage was set for conflict, and the 12 months after the TNG was formed turned out to be the most violent year on record in Somalia since the withdrawal of foreign troops in 1995.

Partly through the greed and incompetence of its leaders, partly through the efforts of the opposition “spoilers” and their Ethiopian patrons, the TNG’s authority remained confined to parts of south Mogadishu and a narrow band of coastline south toward Kismayo. In anticipation of the TNG’s expiring mandate, an East African regional organization, the Intergovernmental Authority on Development (IGAD), organized peace talks in Kenya aimed at forming a new Somali government untainted by Islamist linkages.

A government of national unity was the stated purpose of the Somali National Reconciliation Conference that took place in Kenya between October 2002 and October 2004 under the auspices of IGAD. The goal was to reconcile the ineffectual TNG led by Abdiqasim Salad Hassan with its opponents—the Ethiopian-backed alliance of fac-

tion leaders known as the Somali Restoration and Reconciliation Council (SRRC).

What emerged, after two years of negotiations, bore a promising resemblance to a government of national unity (with the notable exception of Somaliland, which had declared independence from Somalia in May 1991). Conference delegates agreed on a transitional federal charter, a 275-member parliament with seats assigned by clan, and a largely theoretical cabinet in which roughly one-third of members of parliament found posts. Critically, from a clan perspective, the three top posts—president, speaker, and prime minister—were intended to balance the aspirations of the three largest clan groupings in southern Somalia: the Hawiye, Darod, and Digil-Mirifle.

Unfortunately, that was where the pretext of national unity ended. From the outset, real power within the new Transitional Federal Government (TFG) was concentrated within a kitchen cabinet that consisted mainly of SRRC figures and trusted clan allies of the president and prime minister. Decision making was highly centralized, and those who objected were branded dissidents or spoilers. This rapid polarization was replicated in the legislative assembly and ultimately paralyzed the transitional institutions altogether.

## THE DISREGARDED CHARTER

Reversing this process will require that the Transitional Federal Government become a collective exercise of its constituent parts, not the political project of a given faction. That may not make for efficient government and crisp decision making, but it is probably the only way to ensure that legitimate political differences do not sharpen to the point of rupture. In addition, power will have to be more equitably shared. For a start, the post of prime minister should be awarded to a key figure from the Mogadishu wing of the transitional government in order to seal the partnership between the two camps. The cabinet should also be streamlined to eliminate redundancies and ensure that decision making is as formal and transparent as possible.

The TFG's authority flows neither from a popular mandate nor from the superiority earned by military victory. It derives, rather, from the transitional charter and, to a lesser extent, from the parliament

in its role as electoral college. By straying from the charter, the government's leadership has needlessly divided its own house and legitimized disparate opposition forces.

Though far from perfect, the charter sets out the ground rules for the transition, including the character, duties, and powers of national institutions. From a Somali perspective it is analogous to a *xeer*—a form of contract in Somali customary law—that is binding on the clans and subclans whose representatives signed it.

The current crisis of the TFG reflects in part a failure to respect three of the fundamental principles enshrined in the charter: that the rule of law should be supreme; that the charter should be applied in a way that promotes national reconciliation, unity, and democratic values; and that no individual, including the president, may arrogate to himself any state

authority that does not directly emanate from the charter.

The rifts within the TFG and parliament were ostensibly triggered by three contro-

versial issues: the president's appeal for a regional intervention force, a related request that the UN arms embargo be lifted in order to permit deployment of such a force and to allow the government to arm itself, and the relocation of the government to Jowhar instead of Mogadishu.

But the manner in which these proposals were presented was even more contentious than the issues themselves. Opaque, unilateral, and autocratic decision making created the impression that the president and his allies were attempting to hijack the transition—by force if necessary. None of these proposals had been put forward during two full years of negotiations at the Mbagathi peace talks, and nothing in the charter empowered the executive branch to exercise such powers.

On the contrary, the charter clearly designates Mogadishu as the capital and, in contrast with the charter of the previous transitional national government, makes no provision for a temporary seat of government. It also requires that parliament ratify any international agreements or treaties, presumably including a decision by IGAD (of which Somalia is a member state) to deploy a multinational peace support operation.

When the full parliament failed to endorse the president's proposals, a group of his parliamentary allies convened an unlawful session of their own

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but failed to achieve the necessary quorum. Exasperated, the president exercised another power not provided for in the charter and declared the parliament “prorogued”: an act apparently intended to remove an inconveniently democratic impediment to his agenda, rather than to advance the peace process.

In just a few short months last year, the TFG leadership had managed to violate all three of the charter’s most fundamental principles. It had played fast and loose with the rule of law, arrogated to itself powers it did not legally possess, and—arguably the gravest error—willfully failed to apply the charter in a way that promoted unity, reconciliation, or democratic values. These are the self-inflicted wounds from which the government is now struggling to recover.

### BACK ON TRACK?

Since the transitional parliament reconvened in late February, it has made slow but steady progress toward healing its own divisions. Legislators have sought common ground while forming parliamentary committees and subcommittees. Government leaders, unfortunately, have demonstrated much less sagacity. In his opening address the president could not resist plugging his plans for a “peace support” operation, and his ministerial allies have continued to lobby friendly nations for a lifting of the UN arms embargo. The deployment toward Baidoa of “national army” units aligned with the president has raised the temperature and contributed to an atmosphere of tension around the town.

Meanwhile, opposition cabinet ministers in Mogadishu—with US financial and technical support—have declared a new military coalition, the Alliance for the Restoration of Peace and Counter-Terrorism. Formed outside the framework of the transitional institutions, the coalition has plunged immediately into bitter clashes with the capital’s Islamic courts and their sympathizers.

Much now hinges on whether all parties are prepared to move forward within the context of the transitional federal charter or will instead continue to undermine it. The charter describes not only the principles the TFG must observe, but also the transitional tasks it must complete. The most important of these are to be overseen by independent commissions—including reconciliation, disarmament and demobilization, preparation of a new constitution, designation of federal regions, and elections. The structures and functions of national commissions must be approved by parliament—a require-

ment the president apparently overlooked when he suspended the body’s powers a year ago. As a result, none of the national commissions has been duly constituted and started work.

Instead, the government has pursued its transitional program through parallel processes, none of which has been subject yet to parliamentary approval or oversight, and so have conveniently excluded dissenting voices. Donor governments, UN agencies, and the World Bank, anxious to extend support and disburse available funding, have so far acquiesced in these tendentious initiatives, but nudging such activities back within the broader transitional framework under the auspices of their respective national commissions is probably the only way of ensuring that they do not end in controversy, division, and failure.

It is probably unavoidable that the vexatious issues of foreign peacekeepers and a temporary seat of government must also find a place on the reconvened parliament’s agenda. This need not prove disruptive as long as the government seeks to build consensus around its proposals, and is prepared to modify them in the process, instead of trying to bulldoze them through the assembly.

### CHALLENGES AHEAD

The road ahead will not be smooth. Parliament must agree on an agenda—and also continue to meet until the foundations for fulfillment of the transitional charter have been put in place. The conduct of the session presents a major challenge. The president must continue to set the tone by demonstrating that he is prepared to govern on behalf of all Somalis, not just his political and clan constituencies. The speaker likewise must exhibit the qualities of a neutral, consensus figure, not beholden to factional interests in Mogadishu. And the prime minister must put forward an agenda that transcends parliamentary divisions and unites the house behind a common program. If he fails to do so, an early order of business is likely to be a vote of no confidence in him and his government.

As difficult as it may be, success at Baidoa, if it is achieved, would represent a salvage operation, not forward progress. The peace process would effectively return to where it stood in October 2004, with a newly minted set of transitional institutions and a war-torn country to reinvent and rebuild—but with a short period of time remaining in which to complete the job. Somali leaders must now prove that they are equal to the challenge. Their people cannot afford another cycle of failure. ■