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The project to end genocide and crimes against humanity

Beyond Piracy

Next Steps to Stabilize Somalia

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For the first time in a long time, Americans are paying attention to what their government does in Somalia. Following last month's hostage drama off the coast of Somalia, President Barack Obama is under increasing political pressure to address the threat of piracy in the Gulf of Aden. While short-term measures to curb pirate attacks are certainly necessary, the Obama administration must not allow the politics of the piracy problem to distract it from putting in place a long-term strategy to help Somalis forge a state that, with measured external support, can fight piracy, promote peace and reconciliation, and combat the threat of terrorism within its borders.

Historically, the international community's engagement with Somalia has more often made matters worse for both Somalis and external actors. Rather than invest in the time-consuming and undoubtedly frustrating process of helping Somalis forge consensus and build functioning state institutions, the United States, the United Nations, and others have often backed governments based on narrow coalitions, or they have opted to partner with questionable nonstate actors in pursuit of near-term counterterrorism goals. This approach has frequently stoked further conflict and human rights abuses. Fourteen attempts in the past 19 years to reconstitute state authority in Somalia have failed, with ordinary Somalis bearing the brunt of these ill-advised, poorly executed, underresourced efforts. The latest effort—a five-year transition to democratic elections administered by a Transitional Federal Government, or TFG—nearly collapsed after two years of Ethiopian occupation and brutal counterinsurgency warfare. Ethiopia has now withdrawn, and a new, more broad-based TFG offers some hope, but the human rights crisis in Somalia remains acute and continues to deepen, the threat of Islamist extremism that the U.S.-backed incursion sought to neutralize persists, and piracy continues despite the deployment of a multinational armada.

Although the situation on the ground remains critical, we believe that the election of a new president, Sheikh Sharif Ahmed, and the establishment of a moderate Islamist government under his authority—"TFG version 2.0"—are potentially the best chance Somalia has had to pull itself out of nearly two decades of state collapse. For this effort to succeed, however, the Obama administration must resist calls for immediate, unilateral military action against terrorist and pirate targets on Somali soil and chart a new course in its approach to Somalia that privileges Somali-driven political processes, prioritizes inclusive governance, and respects Somali preferences. It not only needs to reshape U.S. policies toward Somalia, but must also press other external actors not to proceed with policies that are either flawed or intentionally destructive. This short paper describes the current state of international engagement with the TFG and offers recommendations for improvement.

Analysis: The current state of play

The establishment of a new TFG in January 2009 featuring a more broad-based coalition and moderate Islamist leadership is a significant step forward. That, along with the withdrawal of Ethiopian occupying forces in January, was a setback for the jihadist group al-shabaab, which had emerged as the strongest insurgency force against both Ethiopian forces and the TFG. The shabaab continues to control the largest swath of territory in southern Somalia, but it has been unable to exploit the vacuum left by the departing Ethiopians, and faces growing armed resistance from clan militias. While many Somalis were skeptical that the new TFG could succeed, they recognized that Sheikh Sharif and his newly formed government were more closely aligned with their long-term interests than the shabaab.

However, the TFG has thus far enjoyed only limited progress in establishing itself as a functional authority. Its main successes have been in negotiating alliances with clan militias and authorities—which have helped to block the shabaab—and developing a more accountable, transparent customs revenue collection system at the seaport, which has earned support from businesspeople and generated at least a modest flow of revenues to pay some TFG salaries. It is also reaching out to elements of the shabaab and other Islamist rejectionists in the hopes of broadening its coalition and weakening the jihadists. But the government's civil service has yet to become functional, and crime and insecurity remain high. Armed groups which were supposed to be integrated into a joint security force continue to remain separate militias answering to separate commanders. Shabaab insurgents, whose numbers now include foreign fighters, continue to launch attacks on the African Union mission in Somalia, or AMISOM, protecting key government installations in the capital.

Meanwhile, one of the world's worst humanitarian disasters continues to unfold. Three and a half million Somalis need emergency assistance (nearly as many as in Darfur), and humanitarian access is terrible: Forty-nine aid workers have been killed in 2008 and 2009 and scores more kidnapped. The TFG is still, for the most part, a government on paper, and would face difficulty remaining in Mogadishu without the protection of AMISOM forces.

International actors have rhetorically committed to making the TFG work, and the U.N. Special Representative Ahmedou Ould Abdallah has been especially active in generating external support for the TFG. A major donor conference on Somalia was held on April 23 in Brussels, where these priority needs were discussed and donors pledged more than \$200 million to support AMISOM and strengthen TFG security forces. The key question for policymakers is how to condition and monitor the dispersal of those funds. In a report from the U.N. secretary general to the Security Council this week, the United Nations emphasized the need for strong donor support to the TFG, especially in the security sector. This is a priority shared by the TFG leadership. The United Nations is specifically calling for the international community to provide funding for training and equipping the TFG police and security forces, and for stipends for 10,000 police officers.

Significantly, the secretary general's report does not recommend replacing the 4,000-strong AMISOM force with a 23,000-strong U.N. peacekeeping operation. A proposed U.N. force has been on the table for well over a year, but although the proposal had strong backing from the Bush administration, the Obama administration's support has been lukewarm, and rightly so. The United Nations itself concluded that such a force would be counterproductive at this time, by catalyzing armed insurgents and thereby endangering rather than protecting the TFG. The TFG's security against the shabaab will have to come largely from its own capacity to recruit and maintain the loyalty of its own security forces, albeit with generous external financial backing.

Establishing security: Challenges and policy implications

The immediate policy dilemma for international donors is one of sequencing: Must a security force first create conditions in which a civil government can survive and operate? Or must government authorities first establish a capacity to control security forces? Some may see a preference for checks and balances—and constraints on government security forces—as a normative agenda for human rights groups. But in Somalia it is also a cold realist calculation—abusive security forces will undermine, not protect, the TFG. And as in 2007 and 2008, such forces will strengthen public support for the shabaab and other opposition and extremist groups.

The international community has already had one calamitous experience providing direct salary support to the TFG police in 2007 and 2008, when the government was under different leadership. The TFG police under then-President Abdullahi Yusuf committed grave human rights abuses against the Mogadishu population. The police commissioner during this period, Abdi Qeybdiid, is still in place despite a track record of abusive behavior, lack of confidence among ordinary Somalis, and protests by human rights groups. Moreover, key branches of the transitional government—the judiciary, the interior ministry, and others—that are supposed to exercise oversight of police and other security forces are not yet functional. What the United Nations and some donors are proposing, then, is the strengthening of security forces in a context where the new government appears to lack the ability to hold them accountable. The U.N. secretary general’s report is clear on this, identifying its strategic objective as “to assist the TFG in creating security conditions in which the process of building the country’s state institutions can take root.”

The good news is that the TFG has made some progress on its own, and the international community may finally have a more credible partner than the previous TFG or its predecessors. A bank account has been established in Djibouti and an interdepartmental financial oversight body has been established to monitor the use of funds. Revenues from the port are reportedly now flowing to the central government, and although corruption has not been eliminated, it has been reduced. From these funds, the TFG announced this month that it had begun to pay salaries to its security forces. The key challenges for the United States and other external actors in the immediate term are help to ensure that the TFG continues to pay its security forces, provides training and nonlethal equipment conditioned on their improved conduct, and establishes oversight mechanisms to ensure that funding does not support abusive forces or political score-settling.

This daunting task is further complicated by the diversity of security threats facing the TFG, which include the following:

Insurgency by the shabaab and other radical groups

The shabaab and other Islamic extremist movements in Somalia are an existential threat to the TFG and a major security concern for neighboring states and the West. As noted above, these extremist groups have lost much of their credibility in Somali circles now that Ethiopian occupying forces have withdrawn and the old TFG leadership has been replaced with new, moderate Islamist leaders. A portion of the shabaab—some argue most of the movement—are not ideologically committed hardliners, but rather tactical allies who could be negotiated with and brought into an expanding TFG power-sharing circle. If this group can be successfully weaned from the shabaab through negotiations, it would leave the recalcitrant hardliners exposed and weakened, and easier to defeat outright.

This is the two-pronged approach that President Sharif and his supporters are seeking to employ, and the TFG has reportedly already enjoyed some successes in pulling some armed groups away from the insurgency. The most important contribution the international community can make to this effort is to protect and expand political space for Sharif to negotiate—even with individuals who might raise eyebrows in some corners. Ethiopia’s security concerns are especially important to address in this regard. The United States and its allies must avoid the temptation to arbitrarily “redline” individuals and groups to whom Sharif will attempt to reach out. The acceptability of Somali armed opposition groups should be judged principally on their positions on a few core positions: Do they accept peaceful coexistence with their neighbors, especially Ethiopia? Do they reject affiliation and alliance with Al Qaeda? Do they renounce terrorist attacks and assassinations against domestic rivals and foreigners?

Even as it negotiates with part of the insurgency, the TFG will unavoidably have to fight to defeat the most hardline, foreign-backed wing of the shabaab. Direct external aid to TFG security forces is seen by many as unavoidable if the TFG is to defeat the hardliners and expand its authority in south and central Somalia, and the United Nations has asked donors to provide training, equipment, and stipends to the emerging TFG security forces. However, this places the United Nations and other external actors again in the position of a direct backer of one party in an ongoing civil war, a fact which contributes significantly to the targeting of international humanitarian aid workers by insurgents. External donors must be very clear about what they are doing if providing direct support to national security forces: They are choosing sides in a war.

Fragmentation of ad hoc militia

The TFG has forged alliances and understandings with a range of local, mainly clan-based militias that have resisted the shabaab encroachment but that remain outside the TFG military. Bringing these groups into the formal TFG national security forces is a high priority, as they otherwise are vulnerable to defection to opposition groups and pose a potential armed obstacle to extension of TFG authority. To maintain these fragile alliances the TFG primarily needs cash to provide regular salaries. This should mainly be the responsibility of the TFG, not external donors. External donors should ensure that their funding does not provide salary support for clan paramilitaries, which are largely unaccountable.

Criminal violence and lack of public order

Reducing criminality and establishing public order is a critical matter of legitimacy and credibility for the TFG in the eyes of the Somali public, and it is the principal yardstick that Somalis will use to assess the TFG’s performance. A more effective police force is a necessary first step. The international community already has established police support, and is likely to provide stipends as well, but the burden rests with the TFG to ensure that the police are a source of order and not predation. Under the old TFG, the police were a menace to the public. Until Police Commissioner Abdi Qeybidid is removed from office, it is not clear that citizens of Mogadishu will have any confidence in the police force. International donors must press hard for accountability in the ranks of the Somali police as a precondition for aid.

The TFG is likely to relax rules on the operation of private security forces employed by businesses, which in the past have been important sources of security for neighborhoods adjacent to the business compounds. Additionally, the TFG may opt to encourage the re-establishment of nonradical, local Islamic courts, which were the foundation for the dramatic improvements in security under the Islamic Courts Union in 2006. Under the courts' brief rule, Somalis were willing to trade some of their personal freedoms for greater security. Donor states can play a constructive role by protecting political space for Sheikh Sharif and his government to pursue this option if they so choose, rather than reacting in alarm at the prospect of courts based on sharia law. At the same time, donors can support Somali-driven efforts to reduce the incompatibilities of sharia court proceedings and rulings with international judicial and human rights standards.

Piracy

The lowest order of threat to the TFG, the Somali people, the region, and the United States is actually the security item enjoying the greatest attention right now—piracy. Even so, the continued epidemic of piracy off the Somali coast is a problem and a test of the capacity of the TFG to extend its authority. Proposals to provide external assistance to the TFG for the establishment of a coast guard are premature, do not reflect the security priorities of the Somali people, and are unlikely to work. Indeed, training up coast guard officers could easily produce unintended consequences, as that new skill set will be more valuable in the piracy sector than in the public sector, producing defections from the coast guard. A more appropriate approach for the TFG will be to tackle piracy onshore. That will require time, funds, and extensive negotiations. External actors will have only limited roles to play in this internal Somali process.

Antipiracy measures would attract much greater support among Somalis if those efforts were accompanied by international action to end illegal fishing off Somalia's coast. Like the shabaab during the Ethiopian occupation, pirates have managed to cloak their criminal agenda beneath a veil of Somali nationalism. Although illegal fishing has undoubtedly decreased due to the effectiveness of Somali pirates, international commercial fishing boats have for years violated Somalia's territorial integrity and severely disrupted local Somali livelihoods.

Upending the status quo: Next steps for the Obama administration

Given the significant national security interests that the United States has in Somalia with respect to counterterrorism, and the international political and commercial pressure generated due to piracy, the Obama administration should more deeply engage in Somalia's state reconstruction. The United States should appoint a senior diplomat along with a small diplomatic team to work with the U.N. mediation team. The American officials can provide focused, low-key support to this process of state reconstruction through the TFG. If this support is too visible or forceful, it will undermine President Sharif's efforts to reach out to disaffected clans and constituencies. In this space, the United States should work within the already established International Contact Group to maintain the focus on the transition and help ensure that President Sharif does not embark on a failed attempt at empire-building like so many before him.

The immediate priorities and recommendations for the United States should be the following:

1. Improve security: Support locally owned efforts to improve security and public order and reduce the threat posed by armed insurgents.

Somalia's most urgent need is unquestionably improved security. There are multiple security threats in Somalia, each of which requires a distinct response. Some security threats in the country are amenable to carefully calibrated external support—others are not. In all cases, local ownership of security policies is essential if those responses are to be sustainable, effective, and viewed in the eyes of local communities as legitimate. External aid is important, but it must not be allowed to overtake local responsibility to finance essential security operations. Moreover, direct support to the Transitional Security Forces must be conditioned on increasing inclusiveness of the TFG and effective steps to curb human rights abuses, including a commitment to investigate allegations of abuse and removal of officials implicated in serious abuses. The United States and other donors should establish oversight mechanisms under the auspices of the Joint Security Committee and AMISOM and must be prepared to halt funding if, as was the case last year, TFG forces engage in widespread human rights violations and other forms of criminal behavior.

2. End impunity: Support Somali efforts to seek justice for war crimes and end a culture of impunity.

The Ethiopian intervention in late 2006 calcified a brutal insurgency that in turn provoked a heavy-handed and vicious counterinsurgency campaign. Without fear of punishment, all sides committed atrocities against civilians. Continued impunity is an affront to the victims and fuel for further conflict. A necessary first step is a credible investigation of crimes committed. As a permanent member of the U.N. Security Council, the United States should call for a U.N. Commission of Inquiry to investigate and document war crimes and crimes against humanity. Ultimately the question of how to hold perpetrators accountable must be answered by Somalis themselves, but a credible external investigation must occur to begin the process.

3. Focus on the transition and governance: Help President Sharif refocus on transitional tasks and improve governance in order to enlarge participation in the political process and defuse armed opposition as Somalia prepares for possible elections in 2011.

Under former President Abdullahi Yusuf, the TFG ignored the “T” (transition). Yusuf and his allies (including the Ethiopians) sought to destroy their enemies without building functioning Somali institutions or advancing key transitional tasks. The success of the transition now depends on whether President Sharif can establish credible, inclusive, and consultative national commissions to complete the transition.

As with transitional governments in other settings, the TFG will face complex problems related to constitutional choices on systems of representation, central and local government division of labor, checks and balances, and many other matters that will have a powerful impact on the question of “who rules” in Somalia in the future. It will also face daunting technical challenges with regard to other key transitional tasks, especially those related to the work of the electoral commission. Here the outside world has considerable experience and expertise that can be offered to Somali representatives. Again, donors must be careful not to erode Somali ownership of decision making on these matters by overloading the transitional process with outside consultants and preset templates that may not fit in a Somali political setting.

4. Manage external spoilers: Somalia is a theater for regional meddling and proxy conflict, and the United States must seek to end cross-border adventurism and neutralize sources of support for groups inside Somalia seeking to undermine the peace process.

Eritrea, Libya, Qatar, and Iran, among others, are actively supporting groups that oppose the TFG, and the Obama administration should construct a diplomatic strategy to erode that support. The Security Council has already authorized sanctions against individuals and groups that obstruct the peace process, and as an immediate first step the United States should work with other members of the Security Council to build consensus for sanctions against those individuals and groups identified by the U.N. group of experts to be implemented if they become spoilers to the peace process.

Ethiopia's cautious support for Sheikh Sharif is promising, but there will be great temptation for Ethiopia to intervene again if the shabaab and other extremist elements make further gains, or if the TFG's outreach to the opposition includes figures Ethiopia deems unacceptable. Renewed Ethiopian military activities in Somalia would undermine and likely collapse the TFG and fuel the insurgency. Simmering tensions between Ethiopia and Eritrea continue to destabilize the subregion and undermine Somalis' state-building efforts. The United States should resume serious efforts to fully implement the Ethiopia-Eritrea peace deal, demarcate the Ethiopia/Eritrea border, and normalize relations between the two countries. Without a resolution of the Ethiopian-Eritrean impasse, Somalia is likely to remain a site of ongoing proxy war between the two.

Conclusion

Somalia has become the poster child for transnational threats emanating from Africa. By sea, pirates much more dangerous than their predecessors from centuries past prowl the Indian Ocean and Red Sea waterways and make tens of millions of dollars in ransom. By land, extremist militias connected to Al Qaeda units ensure that Somalia remains anarchic and the only country in the world without a functioning central government.

In fighting terrorism on land and piracy at sea, U.S. national security interests will be better secured if we aligned ourselves more with the interest of most Somalis in better security and effective governance. Helping to build the house and using the back door will be much more effective than barging into the front door of a house that has yet to be built.

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, Chad, eastern Congo, northern Uganda, Somalia, and Zimbabwe. Enough's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. Enough works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

