

# **CAN THE SOMALI CRISIS BE CONTAINED?**

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## CAN THE SOMALI CRISIS BE CONTAINED?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Somalia has been drifting toward a new war since the Transitional Federal Government (TFG) was formed in late 2004 but the trend has recently accelerated dramatically. The stand-off between the TFG and its Ethiopian ally on the one hand, and the Islamic Courts, which now control Mogadishu, on the other, threatens to escalate into a wider conflict that would consume much of the south, destabilise peaceful territories like Somaliland and Puntland and possibly involve terrorist attacks in neighbouring countries unless urgent efforts are made by both sides and the international community to put together a government of national unity.

The Islamic Courts' success, and the rise to prominence of hard-line jihadi Islamists within them, has alarmed neighbours and sent shock waves through the broader international community. Ethiopia, which suffered terrorist attacks by al-Itihaad al-Islami (AIAD) in the mid-1990s, considers the Courts a direct threat. Kenya is alarmed by links between key figures within the Courts and individuals of concern within its own borders. The U.S. believes jihadi Islamists within the Courts shield al-Qaeda operatives responsible for bombing two of its embassies in 1998. All share determination not to allow Somalia to evolve into an African version of Taliban-ruled Afghanistan. Meanwhile, the Transitional Federal Government is increasingly perceived within Somalia as a faction rather than a national authority and is so wracked by internal dissent and the accelerating defections of cabinet ministers that it threatens to fall apart.

The TFG and Ethiopia paint the Islamic Courts – far too simplistically – as a terrorist umbrella, backed by thousands of foreign jihadi fighters, and Ethiopia has threatened to “crush” them if they move against the TFG. The Courts have responded to Ethiopian deployments in Somalia by calling for a defensive jihad and breaking off peace talks under Arab League auspices. Skirmishes between TFG and Islamic Court forces south of Mogadishu in late July were widely perceived as the first exchanges of a coming conflict. Unless the crisis is contained, it threatens to draw in a widening array of state actors, foreign jihadi Islamists and al-Qaeda. Moreover, Eritrean assistance to the Courts has made Somalia an increasingly likely proxy battlefield between long-feuding Eritrea and Ethiopia.

The roots of the crisis are profoundly parochial and have more to do with practical power, prestige and clan issues than ideology. The core of the dispute is the TFG's failure to make itself a genuine government of national unity and the emergence of the Islamic Courts as a platform for opposition from large sections of the Hawiye clan – probably the largest, most powerful kinship group in southern Somalia. The Courts are a loose coalition of Islamists, including many moderates, who have built a well-trained militia and independent funding sources.

The situation is, in part, a by-product of the long decline of Mogadishu factional leaders, who a decade ago monopolised political representation in the country but have gradually faded, creating a political vacuum filled by the Islamists. Their decline has multiple causes, including unwillingness to provide basic services and rule of law in areas they controlled and the rise of rival business elites. The clan-based Sharia court system in Mogadishu, which began a decade ago as a local mechanism to deal with chronic lawlessness and is almost entirely affiliated with Hawiye lineages, is valued by local people and business interests as one of the few sources of local governance in the south. Its ascent has radically altered Somali politics. Since the Courts defeated prominent faction leaders in four months of heavy fighting in Mogadishu this year, they have consolidated their grip on the capital and its environs, establishing a new political force in the south which threatens to eclipse the fragile TFG.

Ironically, the crisis is a direct product of ill-conceived foreign interventions. Ethiopia's attempts to supplant the earlier Transitional National Government (2000-2003) with one dominated by its allies alienated large sections of the Hawiye clan, leaving the TFG with a support base too narrow to operate in and near Mogadishu. The calls of the African Union and the Intergovernmental Authority on Development (IGAD) for foreign peacekeepers, intended to bolster the TFG, have instead cast it as ineffectual and dependent on foreign support, and provided a rallying cry for diverse opposition groups. U.S. counter-terrorism efforts meant to contain foreign al-Qaeda operatives have accelerated the expansion of jihadi Islamist forces and produced the largest potential safe haven for al-Qaeda in Africa.

Decisive international action to contain the Somali crisis is long overdue. Diplomatic initiatives have tiptoed around the core issues: any negotiated settlement must reconstitute the TFG as a genuine government of national unity, including credible leaders from both the Islamic Courts and the broader Hawiye community; the TFG's draft National Security and Stabilisation Plan (NSSP) must be revised to reflect new realities on the ground; and agreement must be reached on a phased return of the federal institutions to the national capital, Mogadishu. An independent, broad-based constitutional commission should be established, as per the Transitional Federal Charter, in order to provide a forum for dialogue over the structure and legal foundations of the Somali state.

There is no ideal candidate to lead this initiative among the many international organisations and countries active in and about Somalia. Each has weaknesses, including often the perception by the TFG or the Islamic Courts of prejudice. Crisis Group believes the UN is best placed to take on the challenge but it will need to work collegially with the others, its in-country presence should be reinforced and its leverage must be increased by vigorous Security Council support.

## **RECOMMENDATIONS**

### **To President Abdillahi Yusuf of the Transitional Federal Government:**

1. Dismiss the current government and invite a senior Hawiye leader to form a government of national unity through negotiations with the Islamic Courts.

### **To the Transitional Federal Government:**

2. Agree to resume dialogue with the Courts immediately and without preconditions.
3. Offer to revise the National Security and Stabilisation Plan (NSSP), including any plans for deployment of foreign troops, through negotiations with the Islamic Courts.

### **To the Islamic Courts:**

4. Agree to resume dialogue with the TFG immediately and without preconditions.
5. Declare a moratorium on the establishment of new Courts in areas or communities where they do not yet exist.
6. Affirm respect for Ethiopia's territorial integrity.
7. Reaffirm commitment to combating terrorism and extend a formal invitation to the United Nations Security Council to investigate whether international

terrorists are present in areas under the Courts' control.

### **To the UN Security Council:**

8. Demand cessation of all foreign military interference in Somalia and respect for the arms embargo.
9. Request the Secretary-General, through his Special Representative, to take the initiative in resolving the crisis, by:
  - (a) working closely with the member states and the international organisations that have special interest and expertise, including IGAD, the Arab League and its chairman, Sudan, and the African Union, as well as the Contact Group (the U.S., European Union, Italy, Sweden, UK, Tanzania and Norway); and
  - (b) mediating efforts to reconcile the TFG and the Islamic Courts and form a government of national unity.
10. Be prepared to create leverage in support of the efforts to produce a government of national unity by levying sanctions if necessary against spoilers.
11. Request the Counter Terrorism and al-Qaeda Committees to seek the cooperation of the Islamic Courts and TFG in investigating whether international terrorists are present in Somalia.

### **To the Governments of Ethiopia and Eritrea:**

12. Cease all military interference in Somalia and inflammatory rhetoric concerning the situation.

### **To the African Union and Member States of the Intergovernmental Authority on Development:**

13. Suspend plans for deployment of a peace support operation subject to agreement between the TFG and the Islamic Courts on the mission, composition and duration of any such deployment.

### **To the Government of the United States:**

14. Support the diplomatic efforts to facilitate a government of national unity by working more vigorously within the Contact Group and with the key governments and international organisations, and to this end appoint a senior diplomat as special envoy equipped with appropriate negotiating authority.

**Nairobi/Brussels, 10 August 2006**

## CAN THE SOMALI CRISIS BE CONTAINED?

### I. INTRODUCTION

More than eleven years since the last UN peacekeepers beat an ignominious retreat in May 1995, the international community seems poised to plunge again into Somalia's complex conflicts. This time the aim is not to rescue the population from famine and disease but to prop up the faltering Transitional Federal Government (TFG), contain the expansion of the increasingly powerful Islamic Courts and prevent establishment of a Taliban-style safe haven for al-Qaeda and other terrorist groups.<sup>1</sup> The African Union (AU) has unanimously authorised deployment of a military force to support the TFG. The first Ethiopian troops are in-country, with more massed along the common border. Eritrea is giving the Islamic Courts military aid. Western governments, including the U.S., waver nervously between declared support for the TFG, concerns about extremist elements within the Courts and fears that a robust, Ethiopian-led intervention could turn Somalia into a jihadi battlefield or a proxy war between Ethiopia and Eritrea.

Two distinct but entangled political dramas are driving these potentially seismic changes. The first is the dramatic ascent of the Islamic Courts, a coalition of Islamists which counts among its leadership a mixture of moderates and radicals and has just fought and won a four-month war in Mogadishu against a U.S.-backed counter-terrorism coalition, the Alliance for Restoration of Peace and Counter Terrorism (ARPCT).<sup>2</sup> Between February and June 2006, over 350 people died and thousands were displaced by this fighting. The ARPCT's collapse has produced much criticism of U.S. counter-terrorism policy in Somalia and prompted a major policy review in Washington.

The second is the stumbling revival of the Transitional Federal Institutions (TFIs),<sup>3</sup> which began parliamentary sessions in February 2006 following an accord between President Abdillahi Yusuf Ahmed and Speaker of Parliament Sharif Hassan Sheikh Aden, which rekindled hopes the TFIs might still be salvaged and lead Somalia out of fifteen years of state collapse. The revived parliament has set in motion complex political manoeuvring by figures in and out of the government and triggered a flurry of diplomatic and donor activity exploring policy options on topics such as security aid, a partial lifting of the Security Council-imposed arms embargo and deployment of foreign peacekeeping troops.

The ARPCT's defeat has at least temporarily ended a complex period of "tri-polar" politics defined by the rival camps of the TFG, the Alliance and the Islamists. The ascent of the Islamic Courts, which currently control almost all the capital and its hinterland, fundamentally recasts power relations in Somalia. The Islamists are now the most powerful military and political group in the southern part of the country and a force that the TFG can neither ignore nor isolate. Their dramatic victories make certain that some form of Islamist administration will be attempted in Mogadishu, the first time Islamic governance has been extended over such a large area in Somalia, and the first time that Mogadishu will fall under any unified authority in fifteen years.

The new Islamist administration's viability is by no means assured. Many ordinary Somalis supported the Courts during the fighting not from ideology but because of antipathy to the Mogadishu warlords, U.S. counter-terrorism methods, the TFG leadership and general resentment of Mogadishu's lawlessness. Since their victories, the Courts have been challenged by clan authorities demanding that the Sharia militias withdraw from their neighbourhoods. Tensions and political competition between the Courts and clans are endemic, and clan fault lines will be very difficult for the new authorities to manage. Equally uncertain is the nature of the administration which the Islamic Courts hope to establish. Early indications point to a rise of hard-line

<sup>1</sup> The Courts have operated under the names of "the Supreme Council of Islamic Courts of Somalia" and "the Union of Islamic Courts". For ease of reference in this report, they are simply called "the Islamic Courts" or "the Courts".

<sup>2</sup> The ARPCT is also referred to by the acronym ARPFAT, although this seems mainly to be used by sections of the U.S. government dealing with counter terrorism.

<sup>3</sup> The Transitional Federal Institutions (TFIs) include the Transitional Federal Government (TFG), Transitional Federal Parliament (TFP) and Transitional Federal Charter (TFC).

radicals, including Hassan Dahir Aweys, to top leadership, which could lead to more political divisions, renewed conflict and possibly external military intervention. In a worst-case scenario, control could be seized by radicals and jihadist elements, including some accused of harbouring foreign al-Qaeda figures. This was almost unthinkable a few months ago. That it is now plausible – though by no means inevitable – shows that Somalia is entering a period of exceptional turbulence.

The consolidation of control over Mogadishu by the Islamic Courts does not preclude new instability and armed conflict in the around the capital. A number of factors could allow the conflict to re-emerge in new forms, with the potential to become a protracted low-intensity war which could cripple Mogadishu and spread to other parts of the country. Motives and interests driving Mogadishu's long-running conflict are far more complex than a simple secular-versus-Islamist ideological divide. Clans, business rivalries, political ambitions and other elements are all major factors behind constantly shifting alliances.

Both the Islamic Courts and the TFG are extremely fragile coalitions, prone to internal schisms and realignments, all of which renders political alliances and behaviour even more unstable. Both could fall prey to the same centrifugal forces that led to the collapse of previous efforts to build administrations and maintain coalitions.

Though first and foremost an Islamist movement, the Islamic Courts are also a manifestation of Hawiye clan interests and resistance. Unless the TFG is reconstituted into a true government of national unity, it will face continued resistance from the bulk of the Hawiye, denying it access to the greater Mogadishu area and parts of central Somalia. But because the conflict is at least partially animated by genuine ideological divisions, it attracts external support for both sides and risks becoming a protracted proxy war between Ethiopia and perhaps the U.S. on one hand, and Eritrea, as well as foreign, Islamic radicals on the other.

Lost in the political drama are the sentiments and loyalties of average citizens. Strong anecdotal evidence suggests that most citizens and civic leaders find none of these political groups worthy of unconditional support. None are broad-based movements, and their leaderships are hostile toward mass mobilisation. All engage in intimidation, coercion and assassination against civic leaders and critical media figures. Most Mogadishu residents are grateful to the Sharia courts for the law and order they have brought to some neighbourhoods but wary about possible imposition of radical Islamic rule. The Islamic Courts enjoy the broadest support of the main political coalitions, at least in Hawiye areas, but it is shallow. Their claim to have led a “popular uprising” in Mogadishu against

warlords is misleading; the war was a series of militia engagements – civilians were the main casualties, not participants.

Likewise, most Somalis express a strong desire for a revived central state but are deeply disappointed with the TFG. Some have given up hope that the TFIs can become a viable transitional structure. In sum, most of the public remains worried, angry and unaffiliated with the main political coalitions.

## II. THE TRANSITIONAL FEDERAL GOVERNMENT

### A. A TWO-LEGGED STOOL

Ill-conceived foreign interference in Somali politics intended to contain the rise of Islamist movements has brought the situation to a head while obscuring its parochial origins. Despite ideological overtones, the current situation is fundamentally a product of clan rivalry, inadequate power sharing arrangements and the narrow agendas of individual leaders. But just as external actors such as Ethiopia, Eritrea, the U.S. and al-Qaeda risk being drawn into Somalia's petty, clannish squabbles, so Somalis risk having their rivalries exploited to suit outside interests.

The confrontation between the TFG and the Islamic Courts has its genesis in three parallel and mutually reinforcing trends over the past six years: the process leading to the establishment of the TFG; the subsequent rise of Mogadishu-based opposition both within and outside President Abdillahi Yusuf's government; and the growth and transformation of a network of Islamist leaders and Sharia courts in Mogadishu.

The TFG was formed over four months in late 2004 and early 2005 following two years of negotiations in Kenya led by the Inter-Governmental Authority on Development (IGAD). On 10 October 2004, the newly-formed Transitional Federal Parliament unexpectedly elected Abdillahi Yusuf as TFG President amid allegations of vote-buying by all three presidential candidates.

The driving force behind formation of the TFG was an Ethiopian-backed coalition, the Somali Restoration and Reconciliation Council (SRRC), of which Yusuf was a senior figure. Alarmed by the influence of Islamist groups over the TFG's predecessor, the Transitional National Government (TNG), Addis Ababa gave the SRRC political and military support between 2001 and 2004 in order to cripple and eventually replace the interim government.<sup>4</sup> IGAD-led peace talks to reconcile the SRRC and TNG were launched in Kenya in October 2004 but Ethiopian influence within the Facilitation Committee steered the process in favour of the SRRC and against the hapless TNG.<sup>5</sup> The result was a government from

which core TNG supporters and Islamist groups were in effect excluded.

Many observers, including Crisis Group, worried that Yusuf intended to govern from a narrow, SRRC factional base rather than a government of national unity.<sup>6</sup> His first year was inauspicious; almost immediately the TFIs were beset by severe crises and prevented from functioning. Yusuf's choice as prime minister of Ali Mohamed Geedi, a veterinarian with no political experience or visible constituency within his Hawiye clan, was read by many as an attempt to sideline the Hawiye. The cabinet concentrated power within a narrow circle, mainly pro-Ethiopian allies from the SRRC, at the expense of clans and movements from the failed TNG. This was immediately obvious to Somalis but lost on many outside observers, who mistook proportional clan representation, enshrined in the "4.5 formula" on which the TFG is based, with political inclusiveness.<sup>7</sup> That formula only promises proportional representation by clan-family, which is not the same as a government of national unity.<sup>8</sup> That Yusuf and Gedi opted for divide-and-rule tactics was unfortunate but they were using the same playbook as previous Somali leaders.

With more than 80 cabinet posts, Yusuf and Geedi were able to invest authority in allies while marginalising others. For example, while Mohamed Qanyare Afrah, a wilful and openly anti-Ethiopian Hawiye faction leader, was named national security minister, greater authority in that sector was exercised by Hussein Aydiid, also a Hawiye but an SRRC loyalist. Similarly, key posts including minister of defence, minister of international cooperation and planning, chief political adviser, chief economic adviser, commissioner of police and director of intelligence were assigned to members of Yusuf's Darod clan, especially his Majeerteen sub-clan.

The constituencies the TFG and its Ethiopian sponsors sought to marginalise emerged as their most potent rivals. Chief among these was the Habar Gedir Ayr sub-clan, the lineage of the previous TNG president, Abdiqasim Salad Hassan, and arguably the most commercially and

<sup>4</sup> The TNG existed between 2000 and 2003.

<sup>5</sup> Individuals considered loyal to the TNG leadership were denied accreditation, often on the grounds that they were "Islamists". Members of Islamist groups were likewise prevented from participating, with the exception of the traditionalist umbrella organisation, *ahlu-Sunna wal-Jama'aa*, which denounced members of other groups as "terrorists".

<sup>6</sup> Crisis Group Africa Report N°88, *Somalia: Continuation of War by Other Means?*, 21 December 2004.

<sup>7</sup> The 4.5 formula was first adopted by the Transitional National Government in 2000. It allocates an equal number of seats in parliament to each of the four major clan-families – the Darood, Hawiye, Dir, and Digele-Mirifle – and half that number to remaining minority groups. The use of the formula again for the TFG suggests it is likely to become a fixture in negotiations over national representation.

<sup>8</sup> Because all Somali clan-families (as well as lower levels of lineage) are internally divided, governments can marginalise important clans and factions by "cherry-picking" appointees to give a facade of inclusiveness.

militarily important sub-clan in southern Somalia. The Ayr are dominant in trade and share control of territory from south Mogadishu to Kismayo, the country's most populous and productive section. They have also produced some of the top Islamist leaders. Their token role in the TFG may have reassured Ethiopia, which had significant input into the cabinet's composition, but it guaranteed resistance in Mogadishu.<sup>9</sup> In the first months the Ayr did not openly reject the government, but their silence spoke volumes. Likewise, Islamist groups found common cause under the Islamic Court banner.

## 1. The TFG fissures

By March 2005 two rival camps had emerged within the TFG. One was led by President Yusuf and Prime Minister Gedi (the "Yusuf wing", or simply "the TFG") and the other, the "Mogadishu Group", was composed of parliamentarians and cabinet members mainly based in the capital and principally from the Hawiye clan. The Mogadishu Group was formally represented by Speaker of the Parliament Sharif Hassan Sheikh Aden, himself a member of the Dagle-Mirifle clan. Real power in it was held by dissident cabinet members commanding significant clan militias, the TFG's so-called "armed ministers": Mohamed Qanyare Afrah (minister of national security), Musa Sudi Yalahow (minister of commerce), Bootan Isse Alin (minister of militia disarmament) and Omar Mohamud Mohamed "Finnish" (minister of religious affairs). In March 2005, this rivalry exploded into an open split, culminating in a chair-throwing brawl in the parliament and the departure of Mogadishu-based parliamentarians and ten Hawiye clan cabinet members from Nairobi, where the TFG was provisionally operating, to Mogadishu.

Two issues polarised parliament and cabinet – the site of the capital and the proposal to invite peacekeeping forces in to support the TFG. Yusuf and his allies, under pressure from Kenya to relocate to Somalia, supported a provisional capital in Jowhar and Baidoa, on the grounds Mogadishu was insecure. Two alleged assassination attempts on Prime Minister Gedi while visiting there helped drive that point home. But Mogadishu political leaders and residents fiercely opposed a temporary capital as another attempt to isolate them. The take-over of Baidoa in March 2005 by the local militia of Mohamed Ibrahim Habsade, backed by the Habar Gedir Ayr militia of the self-declared governor of Lower Shabelle Region, Sheikh Indha'adde, temporarily ended hope of relocating the capital there. When Yusuf was compelled (under heavy Kenyan pressure) to move the TFG from Nairobi to Somalia in June – seven months after his

election – Jowhar, controlled by his then-ally Mohamed Omar Habeb "Dheere", was the only option. Most Mogadishu-based parliamentarians refused to travel there, denying the TFG a quorum.

The proposal to invite foreign peacekeepers was equally controversial. In October 2004 Yusuf urged such a deployment, a request vigorously endorsed by many former SRRC allies. Meeting on the sidelines of the AU summit in Abuja on 31 January 2005, IGAD members states, other than Eritrea, seized on the request and pledged to send troops and equipment to Somalia. On 7 February 2005, the request was endorsed by the AU's Peace and Security Council.<sup>10</sup> However, the proposal met fierce opposition, including from those who objected to the specific proposal to include front-line states as well as those who rejected any foreign peacekeepers. The latter included many in the Mogadishu Group, who feared Yusuf would use them to "pacify" Mogadishu, which some viewed as tantamount to a declaration of war. Those who objected more narrowly to frontline states reflected the long history of tensions with Ethiopia and deep distrust of its motives. Even enthusiasts for an IGAD peacekeeping force were aware that introducing Ethiopian forces would almost certainly produce widespread mobilisation against them. In a letter to IGAD heads of state and follow up advocacy in the AU and UN, Crisis Group argued that such a deployment seriously risked returning Somalia to major conflict and this view was echoed publicly and privately by a number of international actors.<sup>11</sup> Internal Somali opposition and international pressure led to the immediate deployment of IGAD troops being put on hold.<sup>12</sup>

Yusuf continued to push for the deployment, and the ten Mogadishu-based Hawiye ministers left the cabinet in March. The issue received renewed impetus in July 2005 with the AU's Peace and Security Council issuing a communiqué<sup>13</sup> requesting the UN Security Council to grant an exemption to its arms embargo on

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<sup>10</sup> See AU PSC Communiqué, 7 February 2005.

<sup>11</sup> See Crisis Group media release, "Somalia: Don't cross the Mogadishu line", 9 February 2005; "U.S. adds voice to that of Somali legislators: no peacekeepers from neighboring countries", AP, 4 March 2005.

<sup>12</sup> "IGAD to delay deployment of peacekeepers" IRIN, 10 May 2005. Crisis Group's active role in mobilising international opinion against the deployment was privately acknowledged by a number of Somali and international actors as having been important in heading off a potentially grave regional crisis. Although IGAD initially criticised Crisis Group for its position, several member states subsequently voiced reservations about the wisdom of the proposed deployment.

<sup>13</sup> AU PSC communiqué dated 3 July 2005. The arms embargo was imposed under UN SC Resolution 733 (1992).

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<sup>9</sup> Crisis Group Report, *Continuation of War by Other Means?*, op. cit., p. 8.



Somalia, to enable the IGAD deployment to go ahead. The Security Council declined to grant the exemption,<sup>14</sup> instead issuing a presidential statement “reminding all parties in Somalia, including all members of the Transitional Federal Institutions, as well as all Member States, of their obligation to implement and enforce the embargo”.<sup>15</sup>

The departure of the Mogadishu-based parliamentarians and cabinet members in March 2005 and their insistence that subsequent parliament and cabinet sessions take place there began a ten-month period of open crisis. Efforts to convene a quorum in parliament failed, placing the only functional branch of the government in a state of suspension. The rift between the Yusuf wing of the TFG and the Mogadishu Group was hardened by mutually inflammatory rhetoric.

The TFG split obscured the fact that both the Mogadishu Group and the Yusuf wing had deep internal fault lines. Both were marriages of convenience between factions which had in some cases fought against each other and still harboured deep distrust.

Within Yusuf’s camp, tensions surfaced between three groups: the president and his close advisors; Prime Minister Gedi and his ally, the minister of planning and international cooperation, Abdirisak Osman Hassan “Jurille”; and the self-declared Jowhar governor, Mohamed Omar Habebe Dheere. When the TFG was forced to leave Kenya in June 2005 for Jowhar, tensions arose between Mohamed Dheere and Yusuf. Dheere, who had yielded his parliament seat so Gedi would be eligible to become prime minister, used his control of the city to demand control over resources, rents and policies. Yusuf’s private militia, brought down from Puntland, was not integrated with Dheere’s militia, predictably resulting in incidents.

Yusuf chafed at his lack of control in the provisional capital and Dheere’s often erratic behaviour and found himself increasingly outflanked by Gedi and Jurille, who enjoyed preferential relations with donors. Throughout the latter half of 2005, Gedi and Jurille were viewed as reasonable leaders with whom donors could work and who could restore TFG unity, while Yusuf was cast as an intransigent, ex-guerrilla leader without political or diplomatic skills. Rumours were rife in Nairobi that

even Ethiopia felt it had backed the wrong candidate for the presidency.<sup>16</sup>

Within the Mogadishu Group, the fault lines were even more acute and complex. These included hostile relations between many militia leaders in the city, notably the four “armed ministers”, as well as others such as Bashir Raghe and Sheikh Indha’adde, who had no position in the TFG and openly rejected it. Another deep fault line was between the secular political and militia leaders and the Islamists, the latter organised in the Islamic Courts. A third cleavage pitted civil society leadership against all the militia-based leaderships, secular and Islamist. Clan and sub-clan affiliations were further potential fault lines. Even the Islamic Courts, committed to principles of Islam transcending clan, were composed of eleven separate, Sharia courts, the jurisdiction of which did not reach outside the lineage of individual clans.

## **2. The Mogadishu Security and Stabilisation Plan (MSSP)**

Following the March 2005 walk-out, the Mogadishu Group announced an ambitious initiative to enhance security in Mogadishu. The Mogadishu Security and Stabilisation Plan (MSSP) included an impressive proposal for demobilising 1,400 militiamen and 60 technicals<sup>17</sup> from eight militias in two camps outside the city; efforts to eliminate militia roadblocks in the city; and preliminary plans to establish a regional/municipal administration.<sup>18</sup> Only token numbers of the Sharia court militias were among those gathered for demobilisation, on the grounds they were needed for neighbourhood policing, but Islamist leaders were actively involved. The stabilisation plan was the high-water mark for cooperation within the Mogadishu Group. It brought together an unlikely group of allies: the Mogadishu-based TFG “armed ministers”, the Islamist leadership (including Hassan Dahir Aweys), TFG rejectionist militia leaders (such as Sheikh Indha’adde), business leaders and civil society groups.

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<sup>14</sup> In the lead-up to the Security Council consideration Crisis Group was again prominently active, writing to UNSG Kofi Annan and to the Permanent Representatives of all UN Security Council members on 8 July urging them not to approve the exemption. See also Crisis Group, “Conflict Risk Alert: Somalia”, 12 July 2005.

<sup>15</sup> UN SC Presidential Statement of 14 July 2005.

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<sup>16</sup> The Yusuf wing faced challenges from below as well, when several regional authorities forming part of the TFG began objecting to the government’s attempts to assume control over their top political appointments and their resources. Communities in Hiran region rallied against the TFG’s attempt to appoint a governor. In Puntland, Yusuf’s political base, tensions arose over his diversion of regional revenues from the port of Bosaso to underwrite the TFG, as well as competing claims between two regional authorities and the TFG over the right to award concessions to foreign companies engaged in exploring for minerals and energy sources.

<sup>17</sup> A “technical” is a vehicle, often a pick up truck or lorry, mounted with a crew-served weapon.

<sup>18</sup> The latter move was rejected by the TFG leadership, which claimed the Mogadishu Group had no legal standing to create regional administrations.

They supported the plan for very different reasons. Some, especially among the civil society groups and some businessmen, saw a genuine chance to improve security and bring the militias under control. The “armed ministers” saw the plan as a tactic by which to sabotage Yusuf’s effort to create a provisional capital in Jowhar. By making Mogadishu appear safe, they would either force him to move the TFG there (in which case he would govern on their turf and on their terms, virtually a house prisoner), or appear obstructionist. The architects of the plan also hoped that the pre-demobilisation camps might attract international aid, relieving them of the burden of maintaining their militias without actually demobilising them. In fact, critics noted that the camps were in strategic spots outside the city which could equally serve as forward bases for mobilisation against Jowhar, which is precisely what happened in September 2005. Some supporters, including the Islamist leadership, were motivated by a desire to use the plan as a political platform for a post-TFG Mogadishu administration.

For the militia leaders and hard-line Islamists, implementation of the stabilisation plan in the spring and summer of 2005 produced an unwelcome surprise. Mogadishu civic groups – not only the well-organised and formally-chartered local NGOs, but also informal women’s neighbourhood groups – mobilised in support to a degree which alarmed leaders whose power base rested on armed militias. Women’s groups assumed direct responsibility for providing food to the encamped militias; business leaders donated several hundred thousand dollars to fund the camps; there were spontaneous demonstrations against militia groups which refused to dismantle roadblocks, as well as large public rallies; and radio talk shows were flooded with calls voicing anger at years of insecurity blamed on the militias. Local observers began to refer to this popular mobilisation as a *ka’doon*, a kind of “uprising”. Whatever political and tactical motives the militia leaders and Islamists had in creating the stabilisation plan, they clearly had no interest in seeing it become a vehicle for grassroots mobilisation at their expense.

Not surprisingly, the plan failed. Assassination attempts against the visiting prime minister and the murder of a BBC journalist accompanying a parliamentary delegation damaged efforts to portray Mogadishu as secure. Popular mobilisation gradually lost momentum, and civic leadership was intimidated by a string of assassinations, including the killing of a leading figure, Abdulqadir Yahya, in July 2005. Roadblocks gradually reappeared. Rising tensions between the Mogadishu Group and the TFG led to remobilisation of Mogadishu-based militias in September. And the tenuous alliance for the stabilisation plan frayed over formation of a regional administration in October.

### 3. The September crisis

In September 2005, deteriorating relations between the Yusuf wing and the Mogadishu Group came dangerously close to precipitating a major conflict. For many observers, the fact that the TFG had not only failed to function after nearly a year but was on the verge of war with itself was enough to conclude that it was beyond rescue.

The trigger for the crisis was Yusuf’s decision to move about 1,000 Puntland militiamen and 60 technicals from a training camp on the Ethiopian border near Beled Weyn to Congo camp, near Jowhar. The deployment of a large number of Majerteen clan militia so close to Mogadishu was viewed by the Mogadishu Group as a provocation. Yusuf’s attempt to do it secretly by cutting all communications out of Jowhar heightened tensions. The Mogadishu Group responded by mobilising thousands of militia and technicals in Bal’ad, Mogadishu and Bale Dogle. A 250-man Sharia court militia, complemented by 25 technicals, and headed by jihadi Islamist Adan Hashi ‘Ayro, was deployed between the strategic Bale Dogle airport and Jowhar. Mogadishu strongman Mohamed Afrah Qanyare warned UN and international staff in Jowhar that hostilities were imminent, prompting evacuations.

Key militia and Mogadishu Group leaders consulted in the town of Bal’ad, near the emerging frontline with Yusuf’s militia. In an attempt to legitimise their decision, and perhaps to help resolve differences among them, they requested that parliamentarians in the Mogadishu Group issue a policy statement. Though lacking a quorum, the Mogadishu parliamentarians did convene on 27 September to put out a ten-point statement calling for Ethiopia to withdraw from Somalia, demanding that Somali youth in the Jowhar militia “return to their home areas”, and urging the cabinet and parliament to convene in Mogadishu and the president and prime minister not to violate the Transitional Charter by using force. Their declaration did not give the militia and political leaders a clear mandate to use force against Jowhar, however.

The following day, a diverse group met in Bal’ad, including Mohamed Qanyare, Osman Ato, Musa Sudi, Barre Hiraale (chairman of the Jubba Valley Alliance in Kismayo), Sheikh Indha’adde and Islamist hardliner Hassan Dahir Aweys. Aweys’s presence was significant, signalling his ascent as a power broker in the city and the growing strength of the Islamic Courts. That he was in a critical meeting with Qanyare, a staunch anti-Islamist who had been cooperating with the West on counter-terrorism initiatives, was especially noteworthy. The threat posed by Yusuf’s Ethiopian-backed militia to the Mogadishu protagonists was enough to galvanise them into a temporary marriage of convenience. But the Bal’ad meeting failed to produce a plan of action: Hiraale pushed

for dialogue with the TFG/Baydhowa, while Qanyare and Ato were among those rejecting talks with Yusuf. The inconclusive result was a small but important step back from the brink of war.

In the end, the crisis may have been a miscalculation by both Yusuf and the Mogadishu Group. Yusuf misjudged the degree of alarm his movement of Puntland militia to Jowhar would produce in Mogadishu. The Mogadishu Group may have misread his motives. Rather than preparing for war, the president appeared mainly to have been hoping to balance the militia power of his erstwhile ally, Mohamed Dheere, in Jowhar.

The hesitancy of both sides to fight was at least partially a function of the uncertainty about the outcome and reflected the risk aversion that generally – but not always – drives decision-making in the foggy environment of contemporary Somalia. Both the Yusuf wing and the Mogadishu Group were beset by serious internal divisions; the risk of betrayal by temporary allies was high. Yusuf's militia was no match for the combined Mogadishu Group's firepower, but an attack in Jowhar by the latter would have risked retaliation by the Abgaal clan of Prime Minister Gedi, as well as possible intervention by Ethiopia. In the end, neither side wanted to risk a fight, and both backed down. The crisis was, nonetheless, a dangerous case of brinkmanship and underscored the depth of the divide between the TFG/Baidoa and the Mogadishu Group.

In the aftermath, the Mogadishu coalition crumbled. Within a month, the new political realignment in Mogadishu pitted the opposition ministers against the Islamist leadership, with many others – including most civil society groups and business people – avoiding any direct alliances. The reduced threat from Yusuf's Puntland militia (later relocated to Bakool region) removed the glue that had held the disparate Mogadishu factions in their temporary alliance. But the main cause of the rupture between the militia leaders and the Islamists was the stabilisation plan agenda to create a regional Benadir administration. That initiative was spearheaded by militia leader Musa Sudi, in expectation he would be named governor. Instead, he was outmanoeuvred by Islamist delegates on the 62-person committee, which selected a regional administration dominated by Islamists. Musa Sudi rejected this, and it never became operational. Thereafter any pretence of unity between the secular militia leaders and the Islamists was lost, and tensions between them defined Mogadishu politics.

Thus over the last three months of 2005, three rival power centres began to emerge in the south – the TFG/Baidoa led by Yusuf; the Islamic Courts, led by Hassan Dahir Aweys and their chairman, Sheikh Sharif Sheikh

Ahmed; and the Mogadishu Group, composed of the opposition ministers and their local allies.

## **B. REVIVING THE TFG: TOO LITTLE, TOO LATE**

In early 2006, a series of events revived the TFG's fortunes: a deal struck in Yemen between President Yusuf and Parliamentary Speaker Sharif Hassan, the collapse of the Mogadishu Group and international concerns about the rise of the Islamic Courts. These developments, especially the reconvening of parliament, raised hopes that the TFG might eventually become a stable, functional national authority but they stopped short of the most important precondition for success: formation of a broad-based government of national unity.

### **1. Reconvening of parliament in Baidoa**

In January 2006, the moribund TFG was revived by the accord the president and parliament speaker struck. The latter only partially represented the views of the Mogadishu Group – his standing as a member of the Dagle-Mirifle clan, which has no militia in Mogadishu and is divided between the TFG's rival wings, afforded him greater political latitude to negotiate but also gave him little leverage over Mogadishu-based militia leaders from the Hawiye clan. The accord bound Yusuf and Sharif to convene parliament within 30 days. When first announced, it elicited little excitement – the lack of critical details such as the location of the parliamentary meeting suggested to most observers that this was just another empty pledge intended to placate donors. But over the course of February, as negotiations were hashed out over the parliamentary session, the accord took on a life of its own.

First, the central promise – to convene parliament in 30 days – could not be openly rejected by any TFG faction, none of whom wished to be labelled spoilers. Secondly, the proposal to convene the parliament in Baidoa was acceptable to both sides. For Yusuf, who chafed at having to govern from Mohamed Dheere's Jowhar stronghold, it offered the opportunity to escape his influence. For the Mogadishu Group, it was a concession most (though not all) parliamentarians were willing to make, as the town was not controlled by a Yusuf ally. Indeed, it was not under the effective control of anyone, which later proved to be a significant problem.<sup>19</sup>

Not all TFG members were happy. Some high-level figures on both sides of the divided TFG feared a

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<sup>19</sup> Rival Dagle-Mirifle militia leaders came under pressure from clan elders to make a deal which would guarantee secure access to the town.

reconvened parliament would sack them but were unable to block a proposal donors and most citizens were heavily committed to. The UN Development Programme (UNDP) promise to give each of 275 parliamentarians a daily “sitting allowance” and per diem payment of \$60 for 120 days (\$7,200), payable only to those who physically signed in, was an important financial incentive that made it more difficult for would-be spoilers to discourage attendance.<sup>20</sup>

On 26 February 2006, the TFP was convened in a hastily-renovated World Food Programme warehouse in Baidoa, with some 250 parliamentarians in attendance, a considerable achievement under the circumstances. The speaker carefully shepherded the opening session to ensure no inflammatory moves were made, such as efforts to remove cabinet members, and directed the parliament’s work on the relatively benign task of forming committees. Chairmanships were allocated under the 4.5 formula to ensure proportional clan representation.

Since then, plenaries have met and begun to debate critically the TFG’s performance, including calls for dismissal of the “armed ministers”. The prime minister responded to this pressure in mid-May by writing to the ministers in question demanding that they return to the cabinet within a week. Qanyare replied via a media interview that the ARPCT members were “busy fighting with terrorists now. We don’t have time for the government”.<sup>21</sup> Geedi issued a second ultimatum, giving the ministers one more week to attend cabinet or face removal. He then dismissed Qanyare, Sudi, Finnish, and Bootan on 4 June, just as the ARPCT was being defeated in Mogadishu by the Islamist forces.

With the fate of the opposition ministers at least temporarily resolved, the TFG might have returned to its core tasks, as stipulated in the Transitional Federal Charter. But by July 2006, it was again mired in crisis, narrowly surviving a no-confidence vote in parliament and staggered by the defection of more than 40 cabinet ministers.

## **2. Executive and judicial branches**

In contrast to the parliament, the executive and judicial branches remain badly underdeveloped and essentially

non-functional. In July 2006, nearly two years after the formation of the TFG, the judiciary is still composed solely of the chairman of the Supreme Court and seven recently appointed justices. The executive branch remains stunted as well. Though a Civil Service Commission has been established, recruitment below the ministerial level has been almost non-existent. Few ministers even have offices. The executive branch has been able to take on only a fraction of its tasks, mainly those devoted to external relations. Even there, deployment of representatives to key posts abroad has been heavily supported by a UNDP “global engagement” fund which has provided \$500,000 for diplomatic travel and presence.

The TFG has yet to develop a coherent revenue system. Its principal indigenous source of funding has been customs from the port of Bosaso in Puntland, with which it has negotiated a revenue-sharing agreement, the terms of which are not public. Those funds are under the personal control of President Yusuf. In the absence of a plan for nationwide tax collection and agreements with local authorities over revenue-sharing at seaports, airports, and border crossings, the TFG is almost entirely dependent on donors.<sup>22</sup> Even if it is able to begin securing customs revenues from all the main seaports and airstrips, experts believe it could not expect to generate more than \$50 million to \$80 million, due to the impoverished economy. That is far less than the \$200 million to \$300 million UNDP estimates is needed for a year.<sup>23</sup> The serious mismatch between revenue generation capacity and the estimated cost of running the central government raise the question of the viability of the state as currently conceived.

The primary state-building focus of TFG leaders has been to build a large, trained and well-equipped army. The latest planning documents call for an armed force of 45,000, primarily army, complemented by police, a custodial corps and personnel of national security agencies.<sup>24</sup> A number of clan-based militias are to some degree committed to the TFG; the process of integrating them into a unified force under a single command is a work in progress. The core of the TFG militia today is from the Majerteen clan in Puntland, relatively well-trained, well-equipped and disciplined forces loyal to Yusuf, whose chief weakness is that they are viewed by southern communities as

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<sup>20</sup> Crisis Group interviews, Nairobi and Baidoa, May 2006. Funds for the six-month salary supplements were exhausted by the end of June 2006, and officials express concern that unless new funding is secured, some parliamentarians may refuse to return to work when the parliament is reconvened in August or September. Figures denoted in dollars (\$) in this report refer to U.S. dollars.

<sup>21</sup> “Somalia: minister denies resignation reports”, Shabelle Media Network, 25 May 2006, <http://allafrica.com/stories/200605250195.html>. The interview was given to Reuters.

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<sup>22</sup> Historically, the main source of tax revenues for a Somali central government has been customs at main seaports and airports. Other, minor forms of revenue generation, typically for municipal authorities, such as market taxes and license fees, are easily evaded. User fees for government services (generally piped water) have in recent years had good success but are usually levied by municipalities.

<sup>23</sup> Crisis Group interview, Nairobi, May 2006.

<sup>24</sup> “Overall Framework for Cooperation between the TFG, United Nations Agencies, Donors and Development Partners” (Draft), 9 April 2006, p. 11.

outsiders from the northeast. If they are drawn into combat with rejectionist militias, they would be fighting on someone else's terrain and in the context of a potentially hostile community. The TFG has worked to add militias from other regions and clans, including Digle-Mirifle from Bay and Bakool regions, a Hawadle clan militia from Hiran region, and Marehan clan militia from Gedo region.<sup>25</sup> The fighting capacity of the TFG army is largely untested. It is unlikely, however, that it would stand up well against the Sharia court militias.

The TFG controls virtually no territory in Somalia and has made virtually no progress in extending its authority at the local level. Even in Baidoa town, it is a guest, while a variety of local leaders, including strongman Habsade, exercising variable control entirely independent of, and sometimes in direct conflict with it. Yusuf's regional base, Puntland, has recently distanced itself from the TFG due to disputes with the prime minister over the right to sign commercial agreements for mineral exploration. Yusuf has forged alliances with a number of local and regional authorities, in Beled Weyne, Gedo region, and (arguably) Kismayo, but TFG claims of authority there are indirect. Attempts to appoint governors have provoked resistance, and recent donor-funded efforts to build a process of local selection of district councils in Bay region have been fiercely contested, with parliamentarians, militia leaders, clan elders and ministers all insisting on the right to name the councillors.

### III. ASCENT OF THE ISLAMISTS

The TFG's alienation of the Hawiye community and its failure to establish functional local administration left a political vacuum. The Mogadishu Group sought to fill this void, enhancing its own legitimacy by articulating widely held Hawiye grievances in order to obtain a greater share of political power within the TFG. What its leaders failed to appreciate, however, was the extent to which their own credibility had ebbed and the influence of the Islamic Courts and their supporters had grown. The competition between these groups burst unexpectedly into the open in early 2006, ending in a decisive victory for the Islamists.

#### A. THE ISLAMIC COURTS<sup>26</sup>

The Islamic Courts are heterogeneous, encompassing a range of religious traditions and political perspectives almost as varied as those within broader Somali society. Simplicity is the key to their popular appeal. A typical court has three main elements: a *shura*, (council) which includes respected political, traditional, business and religious leaders from the clan; a chairman appointed by the *shura*; and a militia commander appointed by the chairman, subject to the *shura's* approval. Their ostensible lack of political ambition makes them more broadly acceptable than other forms of local administration or factional authority, and their forces' relative discipline makes them preferable to other militia. The court's resources usually come from a combination of private contributions and taxation via militia checkpoints.

The first Islamic Courts appeared in Somalia during the early 1990s, shortly after the fall of the Barre regime. These were essentially local initiatives intended to provide a degree of law and order in an anarchic situation.<sup>27</sup> But in 1998, a new brand of court was established under the leadership of Sheikh Hassan Dahir Aweys, a former vice chairman and military commander of the jihadi Islamist organisation al-Itihaad al-Islam (AIAI) and a member of the Habar Gidir Ayr clan. The court at Marka, headed by Sheikh Yusuf Indha'adde, became a vehicle for the expansion of Ayr political and commercial interests in Lower Shabelle region; the court at Ifka Halane, in western Mogadishu, emerged as a platform for jihadi Islamism.

<sup>25</sup> Until May 2006, the Abgaal militia commanded by Mohamed Dheere in Jowhar was also part of the TFG coalition but Dheere claimed that new equipment was being given only to Yusuf's Puntland forces, and he broke with the president to join the Alliance in the battles in Mogadishu.

<sup>26</sup> This topic is addressed in depth in Crisis Group Africa Report N°100, *Somalia's Islamists*, 12 December 2005, pp. 19-21.

<sup>27</sup> Two courts were established in Abgaal clan areas of Mogadishu in 1993-1994; in 1996 a court was set up by the Hawadle clan in eastern Beledweyne.

Shortly before establishment of the old TNG at Djibouti in 2000, largely on Aweys's initiative, an overarching "Sharia Implementation Council" was established to coordinate the actions of the courts and provide a platform for political engagement with the TNG. The Council failed to persuade the TNG cabinet that its members should become the core of the regular judiciary and soon began to unravel. Aweys travelled to Galguduud region, where he busied himself with setting up courts in the homeland of his own Habar Gidir Ayr clan.

In 2004, as the TFG was emerging from the deliberations of the Somali National Reconciliation Conference in Kenya, a new umbrella structure for the courts was established in Mogadishu: the Supreme Council of Sharia courts of Somalia. Aweys retained influence as a vice chairman, under the leadership of Sheikh Sharif Sheikh Ahmed, who came from a very different background. Trained in Libya and an adherent of traditional Somali Sufi Islam, he had helped establish an Islamic court in Jowhar under the auspices of Mohamed Dheere and was active in the Ethiopian-backed SRRC on Dheere's behalf. By late 2005, eleven clan-based courts had been established in Mogadishu, some closely linked with Aweys's brand of radicalism, others of a more traditional character.

Under the leadership of the Supreme Council, several courts were persuaded to contribute troops and technicals to a combined militia force some 400-members strong. This differed from the city's other militia's in important respects: its units were composed of members of diverse clans; it was led by professional military officers; its training and discipline were good; and since its members did not chew *qaad*, they maintained a state of readiness unknown to other militias, whose energy and alertness varied according to their *qaad* consumption. These characteristics produced dramatic results when the Courts' units were eventually committed to battle.

## B. JIHADI ISLAMISTS WITHIN THE COURTS

In the interim, evidence began to emerge of links between leading figures within the Courts and terrorist activity at home and abroad. As a senior AIAI leader, Aweys was accused of involvement in bombings in Ethiopia in 1995-1996; testimony by al-Qaeda suspects in U.S. courts linked him to the team that bombed the U.S. embassies in Nairobi and Dar-es-Salaam in 1998 and suggested a relationship with bin Laden himself. In 2001, the U.S. officially designated Aweys an individual with links to terrorism.

Several associates of Aweys also have jihadi credentials. Ibrahim al-Afghani, originally from Hargeysa, is said by close acquaintances to have fought the Soviets in

Afghanistan in the late 1980s, then joined AIAI in 1991 as a fighter and trainer. Mukhtar Ibrahim Robow, a member of the Rahanweyne clan, reportedly trained in Afghanistan; as an early AIAI member, he fought against Ethiopia in 1996-1997. Arguably the most notorious member of Aweys's inner circle, however, is Hashi Ayro, now a militia commander for Ifka Halane court, who desecrated a colonial-era Italian cemetery in early 2005<sup>28</sup> and has been linked to murders, including of four foreign aid workers, a British journalist and a prominent Somali peace activist.<sup>29</sup> Ayro's militia are believed to have provided protection for al-Qaeda operatives involved in the U.S. embassy bombings, the bombing of a Kenyan tourist hotel and the attempted shoot-down of an Israeli charter airliner.<sup>30</sup>

Only some of the courts on the Supreme Council were actually aligned with the jihadi Islamists, each linked to a specific clan. The most prominent were Ifka Halane (Habar Gidir Ayr), Circolo (Habar Gidir Suleyman) and Milk Factory (Duduble). Two locations, the former Italian cemetery (mainly Ayr) and a community centre in Yaqshiid (Abgaal Warsengeli), emerged as centres for jihadi military training initially unaffiliated with specific courts. The remainder of the courts seemed somewhat detached from the jihadi political and military agenda, concentrating chiefly on security in their own areas of the capital.

In mid-2005, however, the Courts' interests unexpectedly appeared to converge. Earlier in the year, their leadership had seemed eager to distance itself from Ayro's jihadi militia but in July he was accused of responsibility for the murder of Abdulqadir Yahya Ali, a prominent peace activist. Immediately afterwards, the commander of Ifka Halane's militia, Hirsi Lugeeye, was killed in what many considered a revenge action. In a move apparently intended to protect Ayro from reprisals, the chairman of Ifka Halane appointed him as Lugeeye's successor. Although the Ayr clan *shura* responsible for Ifka Halane did not endorse the appointment, the Supreme Council did. The Courts also remained silent when a Somaliland court linked several murders of aid workers to Ayro.

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<sup>28</sup> He built a makeshift mosque and training centre on the site.

<sup>29</sup> In November 2005, a Somaliland court convicted fifteen Somali men for responsibility for the killings and sentenced eight of them to death. An investigation into the death of a fourth aid worker, Annalena Tonelli, was reopened in light of new evidence, and the court ordered investigations into the roles of Aden Hashi Ayro and Ahmed Abdi Godane to continue.

<sup>30</sup> Aboker Omar Adaani, a businessman and partner in the Banaadir Company, which controls 'Eel Ma'aan port, allegedly provided much of the funding for the jihadi elements in the Courts.

Tensions have simmered over “morality policing”. At first Sharia court militias in Mogadishu targeted cinemas showing pornography or market stalls selling pornography, alcohol and drugs. This was widely popular. But in 2005 they began raiding and closing down mixed gender parties and cinemas showing “Bollywood” films. That level of intervention into private life generally is not well-received by Somali society. In separate incidents in late 2005, the militias met resistance, sometimes from angry patrons, twice by armed cinema guards. These produced brief but serious clashes in which technicals were captured and militiamen killed or wounded. The clashes were between businessmen and Sharia court militias from the same sub-clan, suggesting that the former considered the assertive militias had overstepped their bounds. There was evidence that the Sharia court leadership had overreached, from miscalculation or hubris, and faced pushback from their own clansmen. The morality policing also exposed them to charges of trying to impose “un-Somali”, wahhabist beliefs that in Somalia can be damaging.

By early 2006, it was increasingly apparent jihadi Courts were asserting greater autonomy from their clans. Ayro’s appointment, for example, still lacked *shura* approval but he continued to function as a de facto – and increasingly influential – commander within the Courts. Likewise, when Duduble court militia arrested two members of a prominent Abgaal family, they reportedly declined appeals from Duduble elders to release them, on the grounds only the chairman of the Supreme Council (Sheikh Sharif) or Ayro – neither Duduble – could authorise that.

The growing assertiveness of the jihadi elements within the Courts did not go unnoticed. In April 2006, a UN arms embargo monitoring group called the Courts a “third force” in Somalia and described dramatic enhancement of their military capacity through arms purchases and training.<sup>31</sup> The U.S. apparently shared those concerns and encouraged its disparate counter-terrorism partners in Mogadishu to unite under a single banner – a move that heralded the collapse of its counter-terrorism policy in Somalia.

### C. THE BATTLE FOR MOGADISHU

In fifteen years of state collapse and constant rounds of negotiations and realignments, Somalia has produced an impressive array of coalitions and alliances, none of which lasted more than a few years. The Alliance for Restoration

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<sup>31</sup> Bruno Schiemsy, Melvin E. Holt, Jr, Harjit S. Kelley and Joel Salek, “Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1630 (2005)”, United Nations Security Council (S/2006/229), 5 April 2006.

of Peace and Counter-Terrorism (ARPCT), formed in February 2006 and defeated within four months, is one of the most short-lived but its impact on Somali politics may be lasting.

The U.S. has worked for years with local partners to monitor possible terrorist activities. Its counterparts have included formal administrations, such as the governments of Puntland and Somaliland, as well as a variety of non-state actors – factions, clan militias, and others. American concern about Somalia as a potential base of terrorist activity was heightened after the bombings of the U.S. embassies in Nairobi and Dar-es-Salaam in August 1998 and the November 2002 Mombasa attacks.<sup>32</sup> In both cases, Somalia was a trans-shipment site and safe haven. In recent years, the U.S. has claimed it has strong evidence that a small group of foreign al-Qaeda figures have enjoyed safe haven in Mogadishu, under the protection of Somali radical Islamists.<sup>33</sup>

Among the non-state actors the U.S. has cooperated with are more than a half-dozen Mogadishu-based militia leaders and business figures with large militias, including Bashir Raghe, Mohamed Qanyare Afrah, Mohamed Dheere, and Musa Sudi Yalahow. The U.S. developed and managed the partnerships and provided guidance, cash and equipment to assist with the identification and apprehension of terrorist suspects.<sup>34</sup> Between 2002 and 2005, they led to two successful renditions of al-Qaeda suspects, Issa “Tanzania” and Mohamed Abdi Issa Yusuf.<sup>35</sup> But other suspects, most notably Fazul Abdullah Mohamed, remained out of reach and continued to travel in and out of Somalia.

The overall presence and activity of foreigners affiliated to al-Qaeda was not especially high from 1998 to 2004 but U.S. officials emphasise that worrying new evidence emerged by 2005 of a heightened level of activity in Mogadishu.<sup>36</sup> Though Washington neither confirms nor denies counter-terrorism cooperation with specific groups and individuals, officials interviewed by Crisis Group alluded to some frustration at the lack of success in apprehending the Mogadishu-based suspects. That led to U.S. encouragement of Somali partners to cooperate more

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<sup>32</sup> The latter included a hotel bombing and the failed attempt to shoot down a chartered Israeli flight.

<sup>33</sup> Details of the foreign al-Qaeda operatives in Somalia are provided in Crisis Group Africa Report N°95, *Counter-Terrorism in Somalia: Losing Hearts and Minds?*, 11 July 2005.

<sup>34</sup> Crisis Group interviews in Somalia, 2004-2006. John Prendergast, “Our failure in Somalia”, *The Washington Post*, 7 June 2006.

<sup>35</sup> Crisis Group Report, *Counter-Terrorism in Somalia*, op. cit., pp. 10-11.

<sup>36</sup> Crisis Group interview, March 2005.

with one another.<sup>37</sup> Indeed, an enduring problem for U.S. counter-terrorism operations in Somalia has been that many of its closest local allies in the war on terror are bitter rivals, including the TFG leadership, Somaliland and Puntland authorities and the various ARPCT factional leaders.

It remains uncertain whether U.S. agents directly instructed their Mogadishu allies to form a counter-terrorism coalition, or the faction leaders decided to translate a general suggestion to cooperate more into a formal alliance. In either event, on 18 February 2006 nine faction leaders and businessmen announced establishment of the ARPCT. Four – Qanyare, Musa Sudi, Bottaan Isse, and Omar Finnish – held ministerial posts in the TFG but formed the core of the opposition Mogadishu Group.<sup>38</sup> Shortly afterwards, Mohamed Dheere, whose relationship with the TFG was already estranged, joined, as did Col. Abdi Hassan Awale (Qeybdiid), the police commander in the former TNG.

Notably absent from the Alliance were a number of Hawiye militia and political leaders based in Mogadishu with strong anti-Islamist credentials.<sup>39</sup> Their absence signalled that clan calculations were at work in the formation of alliances in the emerging conflict between the ARPCT and the Islamic Courts. Specifically, the counter-terrorism coalition leadership was weighted toward two Hawiye clans, the Abgaal and Murosade, while the Islamic Courts were more interconnected with the interests and militia firepower of the Habar Gedir clan (also of the Hawiye clan-family).<sup>40</sup> Though on the surface the ARPCT and the Courts appeared divided by ideology, their conflict was as much about leadership within sub-clans, business rivalries and the struggle within Mogadishu's Hawiye clans for political dominance. This meant the confrontation risked morphing, as so often in Somalia, into a clan-based contest, one pitting a coalition of mainly the Abgaal and Murosade against a coalition of mainly Habar Gedir clans.

The Islamists interpreted the announcement of the ARPCT as a virtual declaration of war and part of a broader U.S. strategy against them. The chairman of the Union of Islamic Courts, Sheikh Sharif Sheikh Ahmed, accused the coalition leaders of being responsible for Somalia's

years of catastrophe and of being puppets of outsiders. Other radical Islamic organisations claimed the coalition was an attack on Islam itself.

There is, in fact, no evidence that the U.S. intended for the ARPCT to serve as a proxy in a war against the Islamic Courts. Counter-terrorism objectives were much narrower, focused on the handful of al-Qaeda operatives in Mogadishu. As has occurred in the past, however, U.S. policy interventions were redirected to suit the more parochial agendas of the local partners. The assistance rendered to the Alliance members to apprehend al-Qaeda suspects went instead to a war against the entire collection of Somali Islamists associated with the Islamic Courts.

The founding of the ARPCT raised the political temperature in Mogadishu to crisis level and triggered a series of battles in which the Islamic Courts demonstrated superior capacity and commitment despite smaller numbers. The ARPCT was clearly unprepared for the Islamic Courts' response and appears to have badly miscalculated both the impact the declaration of the alliance would have and the fighting capability of the Sharia court militias. It lost most of the battles and was eventually pushed out of the city.

The outbreak of fighting between the militias of Bashir Raghe and Abukar Adani in Karaan district (north Mogadishu) on 13 January 2006 was an important precursor to the ARPCT-Islamic Courts struggle. The fight, which left thirteen dead and 30 injured, initially appeared the product of a local dispute over real estate but quickly morphed into a much larger political struggle. Bashir Raghe and Abukar Adani are prominent businessmen from the same Abgaal/Warsengeli sub-clan. They operate parallel, private seaports in the El Ma'an area of north Mogadishu, part of an important commercial lifeline for the city and southern Somalia (and also a major point of entry for smuggled arms and other contraband). Both control large private security forces to protect their commercial empires and so operate as much as militia leaders as businessmen. But Adani supports the Islamic Courts while Raghe is a close ally of the U.S. and a fierce opponent of the Islamists in Mogadishu. He has also consistently rejected the TFG's authority. When their dispute flared, the Sharia court militias helped Adani, while some secular militia leaders, including Musa Sudi, a previous rival of Bashir Raghe, mobilised behind Raghe.

The Raghe-Adani clashes thus crystallised the emerging battle line between the two coalitions a month before the ARPCT had even been formalised. They also underscored that business rivalries played a part in the conflict, which was as much about sub-clan power struggles as belief systems. Because rumours spread that U.S. operatives working with Raghe got caught up in the fighting, a global

<sup>37</sup> Crisis Group interviews, May 2006.

<sup>38</sup> The other five members of the alliance are or were Bashir Raghe, Abdirashid Shire Ilqeyte, Abdi Waal, Abdishukri Ali Hersi, and Isse Osman Ali.

<sup>39</sup> This included Hussein Aideed (Habar-Gedir Sa'ad clan/TFG minister of finance) and Osman Atto (Habar-Gedir Sa'ad clan/TFG minister of public works).

<sup>40</sup> Atto and Aideed may have shared a common anti-Islamist agenda with the Alliance members but their choice to sit out the conflict was informed in part by their clan affiliation.



counter-terrorism dimension was added to what would otherwise have been a local, internecine feud.

The war between the ARPCT and the Islamic Courts was a series of increasingly fierce battles, interspersed with lulls, minor clashes and assassinations during which clan elders vainly sought to mediate a truce, and the two coalitions rearmed. Reflecting their fractious nature, several of the armed incidents which punctuated the heavy rounds of fighting involved exchanges of gunfire within the clan militias, typically due to a dispute over resources. In several instances, brief clashes also broke out between the militias in the ARPCT coalition.

The first serious battle was only two days after the ARPCT was announced. On 20 February 2006, the militia of Abdi Waal – an associate of Mohamed Qanyare – fought with Sharia militias at a checkpoint, producing heavy fighting in which 25 were killed. The Sharia militias were well-prepared and pushed through several of Qanyare's roadblocks to his stronghold, the Daynille airstrip, before being repulsed. This was regarded in Mogadishu as a significant victory for the Sharia court militias and helped to shape perceptions that the Alliance militias were vulnerable and unprepared. Reports in the Somali media of U.S. military helicopter activity in the El Ma'an seaport area fuelled rumours that Washington was actively supporting the ARPCT and reinforced the wider significance of what would otherwise have been viewed as a local setback.

A second major battle occurred on 22 March, when Sharia court militias launched a surprise attack on a checkpoint controlled by Bashir Raghe in Galgalato district, Mogadishu. The Sharia militias again initially had significant success before ARPCT reinforcements arrived. The attack was reportedly a large, well-planned ambush, involving pre-positioning of fuel, partial burying of technicals and smuggling of 80 gunmen in commercial vehicles past the checkpoint, demonstrating a robust logistical capacity and a large, reliable, and uncompromised network of supporters. The fact that in the first two battles the Islamic Courts captured territory and then withdrew seemed to suggest more interest in embarrassing and discrediting the Alliance than in capturing the entire city.

What began as small setbacks for the Alliance in February, March, and April became a debacle in May and early June. On 7 May, heavy fighting broke out in Sii Sii neighbourhood of Yaqshid District in north Mogadishu between Islamic Courts militia and the militia of businessman Nur Daqle, an ARPCT supporter. This quickly drew in both coalitions and produced a week of intensive battles, including indiscriminate use of artillery and mortars, leading to many civilian casualties,

displacement of thousands and the destruction of Sii Sii neighborhood.

That battle triggered a large mobilisation of militias throughout the Benadir triangle. When the next round of fighting exploded on 24 May, it quickly expanded into multiple battles throughout Mogadishu that drew in all the main clan and Sharia court militias. Significantly, much of the fighting was within, not between, sub-clans, pitting Sharia court militias against an Alliance militia from the same sub-clan. ARPCT member Abdirashid Shirre Ilqeyte, for instance, fought the Sharia court militia from his own Habar Gedir Sa'ad sub-clan.

Over the next ten days, the ARPCT steadily lost ground, often when their militias abandoned positions. The Islamic Courts won some of the city's most valuable territory without a fight. On 4 June, they took Qanyare's stronghold, Daynille airstrip, consolidating control over all but a small enclave held by Bashir Raghe in north Mogadishu. The final battle was over Bal'ad, north of Mogadishu, previously a stronghold of Musa Sudi, which fell to a local militia allied with the Islamic Courts. On the same day, the TFG prime minister sacked the four ARPCT ministers.

In the aftermath, most ARPCT leaders reassembled in Jowhar. Some of their militias and technicals were successfully redeployed there but others opted to join the Islamic militias. The ease with which some switched sides is another indication that the ideological dimension of the conflict is not strong at street level. ARPCT leaders who did not flee to Jowhar holed up in an enclave of north Mogadishu. Abdirashid Shire left for Kenya, where he was detained, interrogated and deported by the government, which issued a travel ban on ARPCT leaders.

The TFG, the Islamic Courts and many press reports are claiming that its decisive defeat spells the end of a political role for the ARPCT leadership. The Alliance was always a tenuous coalition and may be damaged beyond repair but it is far less certain that the political careers of the individual faction leaders are over. Many retain influence within their sub-clans and could re-emerge as those lineages mobilise to protect their interests. Prospects for ARPCT leaders to conflate their interests with those of their clan have been most immediately evident for those in the Abgaal clan – Bashir Raghe, Musa Sudi, Omar Finnish, and Mohamed Dheere. Some Abgaal view the Islamic Courts' victory not in ideological terms but as a clan setback at the hands of other Hawiye clans, a view which led to street protests demanding the withdrawal of Islamic Courts militias from Abgaal neighbourhoods.

The decision by several ARPCT leaders to join the Islamic Courts shocked most international observers, who presumed they were genuinely animated by ideological opposition to radical Islam. But their seamless

realignment with the coalition against which they had fought for four months was in keeping with Somali political practices. Both alliances and enmities are notoriously temporary; for most Somali political actors, interests, not ideology, determine friend and foe.

One of the more important but underreported aspects of the war in Mogadishu was that some of the largest and best-equipped militia units did not fight. Many (though not all) of the private security forces of top businessmen stayed out, focusing on protection of business assets. Though clashes erupted throughout some of the most important commercial areas, such as Bakara Market and the K-4/K-7 corridor, little looting was reported, and no significant damage to large businesses occurred. The private seaport at El Ma'an continued to operate.<sup>41</sup> With the ouster of the ARPCT, the business community becomes the main political and military counterweight to the Islamic Courts in Mogadishu. Top business figures are divided over the Courts: some are active financial supporters, others are opposed, and most seek to manage relations.

#### D. THE ISLAMIC COURTS TRIUMPHANT

Having unexpectedly become the dominant political and military force in the greater Mogadishu area, the Islamic Courts are the biggest wildcard in Somali politics today. The political and ideological direction they take, the agenda they pursue, their emerging leadership and decision-making structure, the extent to which they can be a "big tent" both representing and moderating a wide spectrum of Islamist views, and the type of administration they attempt to create for Mogadishu are all subjects of intense speculation. Uncertainty about the direction of the Islamic Courts no doubt extends to their leadership, which must have been surprised at the speed with which it gained control of Mogadishu and Bal'ad. It is almost certain the Courts had not developed and agreed to positions on many of the pressing issues with which they are now confronted. Until its June victory, the Islamist coalition was much clearer about what it opposed – warlordism, crime and insecurity, immorality, Ethiopian interference, foreign peacekeepers, President Yusuf and the West's "war on Islam" – than what it stood for.

Now the Islamic Courts face a host of political, diplomatic and administrative choices with enormous consequences for Somalia's future and with little time to deliberate. Their actions since assuming power over Mogadishu have not been reassuring; several suggest they are opting

for military over diplomatic solutions and that hardliners are driving policy choices, while moderates are relegated to public relations.

#### 1. The Courts as a military force

The war in Mogadishu and the subsequent capture of Jowhar revealed much about the Islamic Courts as a military force. Their victory showed that they possess the most effective militias in the capital and arguably all of southern Somalia. They demonstrated relatively strong command and control, a quality likely to endure. Commanders moved units in a coordinated, synchronised manner across the city, and units followed orders. The war-fighting strategy was more coherent and innovative than the Alliance's. Islamic Courts militias were able to use multiple tactics, including night fighting and covert infiltration of checkpoints to launch surprise attacks.

The quality of the fighters was also a factor. In contrast to the poorly paid and poorly disciplined Alliance militiamen, some of whom abandoned their posts and repeatedly fought one another, the Islamic militias were much more disciplined and committed. Local accounts of the fighting suggest that they were generally more careful to avoid targeting civilians and demonstrated much greater unit cohesiveness. In at least one instance, they engaged in heavy and sustained fighting simply to recover bodies of comrades.

The Islamic Courts drew on four sources of militia to defeat the Alliance, each of which made distinct and important contributions. The core consists of a multi-clan, integrated unit of roughly 400 fighters drawn from and contributed to by each of the eleven clan-based Sharia courts.<sup>42</sup> That unit, which some local observers claim has recently been strengthened by volunteers from as far away as Puntland and Somaliland, is the best trained and equipped of the Sharia militias, and though smaller than the ARPCT militias proved much better in combat.

A second type are the clan-based Sharia militias associated with specific courts. These vary in size and strength. The Ikfa Halane court, associated with the Habar Gedir Ayr clan and Hassan Dahir Aweys's leadership, has long been one of the most robust. Because these separate Sharia court militias are clan-based, they are a source of both strength and weakness. A few, such as the Sharia court of the Murosade clan, declined to fight against their own clan militia led by Mohamed Qanyare. But others were specifically deployed against Alliance members from their own lineage. The militia of Habar Gedir Ayr businessman and Alliance member Abdulrashid Shire, for

<sup>41</sup> "La bataille de Mogadiscio a commencé il y a quatre mois autour du port d'El-Maan", *Le Monde*, 9 June 2006.

<sup>42</sup> Crisis Group Report, *Somalia's Islamists*, op. cit., p. 21; Crisis Group interview, May 2006.

instance, was defeated by the Ayr Sharia court militia. By pitting Sharia court militias against Alliance militias from the same sub-clan, the Islamic Courts neutralised the possibility of militia leaders mobilising whole clans against them.

The Islamic Courts also forged opportunistic alliances with local clan militias previously unaffiliated with either side, a tactic which worked especially well as they accumulated victories and clans began, predictably, to side with the winner. Those militias have tended to be undisciplined, however, forcing the Islamic Courts to intervene to prevent looting and extortion.<sup>43</sup> Finally, the Islamic Courts reportedly paid between \$5,000 and \$10,000 to local unaffiliated gunmen to conduct quick ambushes on passing ARPCT vehicles. This was effective and is worrying as a potential tool for destabilising Baidoa should the Islamic Courts and the TFG fail to reach a power-sharing accord.

The victorious Islamic Courts followed Somali war-time customs, including returning some captured technicals to retreating Alliance militias. That was no doubt done to reassure the clans who claim ownership of the technicals.

## **2. The Courts as political movement**

Politically, the Islamic Courts remain an enigma. Statements about their political aims made by Chairman Sheikh Sharif in recent months have often been contradictory; the actions and declarations of some elements have been denied or denounced by others; their decision-making system is anything but transparent, and key policy decisions that will shed light on the political agenda have yet to be taken. Still, a few observations can be made with reasonable confidence.

The Islamic Courts are a very loose coalition of individuals and groups whose views on political Islam span a wide spectrum. This is evident in the positions of the top two leaders. Sheikh Sherif's Islamic pedigree as a member of a traditional sufi order is far different from the Salafist worldview articulated by Hassan Dahir Aweys. But the differences in Islamist ideology within the Islamic Courts are much more complex than a crude moderate versus hardline dichotomy.<sup>44</sup> Mogadishu's galaxy of Islamists includes progressives who embrace democratic

values; opportunists using the Courts' power for personal advancement; socially conservative salafis whose agenda is focused on public morality (leading to the periodic efforts to close cinemas); hard-line Islamists who want an Islamic state but do not advocate political violence; and jihadis whose use of assassination as a tactic of choice has led to dozens of deaths in what amounts to a silent war in the streets of Mogadishu. Which strain emerges as dominant remains a major question mark.

But the Islamic Courts include other tension-ridden coalitions as well. One is cross-clan. They offer roughly two dozen Sharia courts, each representing a different Mogadishu sub-clan, a shared political platform. Clan tensions and fissures are endemic and easily manipulated by spoilers; that will be a major challenge as the Islamic Courts try to stay unified.

The partnership between the Islamist leaders and Mogadishu business leaders is also uneasy. The victory over the ARPCT means that the two largest militia forces in the city are those of the Islamic Courts and the business community. Some business leaders who tactically have backed the Islamic Courts may now see them as a threat. Finally, the Islamic Courts have brought the Islamist leadership together with an array of civic movements who share a common interest with them for improved rule of law in Mogadishu and little else. This may be the most fragile part of the coalition. Collectively, the multiple fault lines make the Courts prone to fissures, internal feuds and defections unless they can exploit – and perhaps provoke – an existential threat.

The decision to make Chairman Sheikh Sharif the visible face of the Islamic Courts is an attempt to present the movement as moderate, conciliatory and acceptable to most Somalis and external actors. But the emergence of Aweys as head of the Shura and a high profile public figure raises the troubling question of whether the Islamic Courts could be used as a Trojan horse by radicals and jihadis operating under cover of a moderate Islamist movement either unwilling or unable to restrain its most dangerous wing.

This latter concern is critical, because the leadership has gone to great lengths to portray the movement as moderate and a "popular uprising" against warlordism but has been casually dismissive about credible allegations of jihadi violence and the presence of foreign al-Qaeda operatives in Mogadishu safe houses reportedly operated by some of its top figures.<sup>45</sup> Sheikh Sherif has repeatedly portrayed these concerns as "propaganda" and claimed the U.S. has been misled by warlords exploiting the war

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<sup>43</sup> After the capture of Jowhar, a clan militia which had switched sides to support the Courts occupied the UNICEF compound, confiscated vehicles and threatened national UN staff. UN security officers had to ask for protection from the commander of the Islamic Courts militia which captured Jowhar.

<sup>44</sup> For exploration of the diverse, partially overlapping schools of thought in the Islamist movement, see Crisis Group report, *Somalia's Islamists*, op. cit.

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<sup>45</sup> See especially the lengthy interview with Sheikh Sherif by Awdalnews Network, 9 June 2006, <http://www.awdalnews.com>.

on terror. He is correct that the ARPCT militia leaders sought to portray all Islamists as terrorists and use American counter-terrorism for parochial aims. But the question about a small number of Somali jihadis and foreign al-Qaeda suspects cannot be waved away; it is an enduring concern for the U.S. and its allies.

There is compelling evidence of jihadi violence emanating from within at least three of the hardline Courts in Mogadishu, and the U.S. insists that at least three foreign al-Qaeda operatives are in Mogadishu. If Sheikh Sharif is unwilling to acknowledge even the possibility of a problem, he risks being accused of complicity. If he cannot acknowledge the threat posed by radicals in his coalition, troubling questions arise about the ability of such radicals to coerce and intimidate erstwhile allies. For moderates in the Courts, the dilemma is that the jihadis' tactic of assassination, which helped eliminate their potential opposition in Mogadishu, could be used against them. This puts them in a difficult situation, especially when faced with international demands to "marginalise the radicals".

Concern that hardliners in the Courts are driving policy was heightened following the decision to capture Jowhar, despite earlier assurances they would not resort to force. The decision immediately thereafter to move militias up the Shabelle valley as far as Jalaalqaqi and then to orchestrate an Islamist take-over of the strategic town of Beled Weyn near the Ethiopian border seemed intended to provoke Ethiopia to send troops into Somalia.

Much has been made of Sheikh Sherif's contradictory statements. In a letter to selected states and international organisations, he committed the Islamic Courts to good relations and the democratic process: "We want the Somali people to decide which form of governance [they] want and [to] choose their leader for the first time in decades".<sup>46</sup> But in other settings rhetoric has been more radical. In a Mogadishu rally on 2 June, he called the U.S. "an enemy of Islam",<sup>47</sup> and in another public address told supporters the fight would continue until the entire country was under the Courts' authority.<sup>48</sup> While inconsistencies can be explained as reflecting political inexperience or need to placate both hardliners and the international community, a clearer line is needed. More importantly, rhetoric must be consistent with actions. If the Courts continue to articulate conciliatory policies while taking expansive

action which provoke both the TFG and Ethiopia, they will quickly lose the benefit of the doubt.

The Islamic Courts' withdrawal from talks with the TFG in response to parliament's discussions of authorising an IGAD stabilisation force (to be known as IGASOM) was predictable but unfortunate.<sup>49</sup> Opposition to foreign peacekeepers has been a central part of the platform over the past year and cannot now be given up easily. The issue has worked well. It taps into xenophobic sentiments which resonate with part of the population; the Courts' core Mogadishu constituency fought against the UN force in 1993 and deeply distrusts such peacekeepers. Despite their essentially clannish composition, the Islamic Courts are the only credible movement articulating strong Somali nationalist rhetoric, conflating Islamism with pan-Somalism, seasoned with anti-Ethiopian (and occasionally anti-Christian) rhetoric. Despite rejecting the TFG, the Islamist movement has successfully portrayed itself as the main hope for state revival. And despite its diplomatic overtures to the West, the leadership frequently condemns the U.S., tapping into growing Somali resentment and anger. But if the Islamic Courts form a government of national unity with the TFG, these positions will need to be revised.

The Islamic Courts' greatest political success has been their ability to merge their agenda with other agendas in the Mogadishu populace. They have conflated Islamism with a strong public desire for law and order and opposition to warlordism. The romanticised view of the war which defeated the ARPCT as a popular uprising has tremendous appeal to Somalis and foreigners who want to believe that the changes in Mogadishu represent a grass-roots movement. The record indicates otherwise. The battles against the ARPCT were waged by Sharia militias, not people's defence forces. The strong support the Courts enjoy for providing security and defeating some unpopular militia leaders does not equate to a popular uprising. In fact, some hard-line Islamist leaders in Mogadishu view civil society and civic leaders as rivals to be contained and if necessary intimidated.

## **E. THE CHALLENGES OF WIDER ACCEPTANCE**

For all their successes, the Islamic Courts have serious weaknesses. The many coalition fault lines have already been noted but they are equally vulnerable on another

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<sup>46</sup> Sheikh Sherif Sheikh Ahmed, letter to UN Political Office in Somalia and others, 5 June 2006.

<sup>47</sup> "Somalis protest at US backing", BBC World Service, 2 June 2006.

<sup>48</sup> Chris Tomlinson, "Somalia's Islamic extremists set US back", Associated Press, 6 June 2006.

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<sup>49</sup> The first round of talks was convened on 22 June 2006 by Sudan, in its capacity as chair of the Arab League. The parties agreed to seven points, including cessation of hostilities, mutual recognition and continuation of dialogue without conditions.

count. In their current form, they are heavily dominated by a single clan-family, the Hawiye. Though the Islamist network extends into other clans and regions, the Courts' physical presence is limited almost entirely to regions either populated by or recently occupied by the Hawiye, and their political behaviour has closely tracked with Hawiye clan interests. Nearly all Sharia courts in Mogadishu are affiliated to a Hawiye sub-clan; in essence, they enshrine Hawiye domination of the city, which dates to the 1991-1992 civil war.

If they are to become a truly national movement, the Islamic Courts will have to adopt policies which threaten the interests of their clan power base. For Mogadishu to host the government, as the Islamic Courts insist, all citizens will have to enjoy full access to the city and enjoy equal legal rights there. Moreover, if the Islamic Courts remain committed to the pledge to allow Somalis to choose their own government, the chief danger to the movement will not be a secular choice but that non-Hawiye communities in areas occupied by Hawiye militias will vote to undo the clan's civil war gains. These are issues that can and should be managed, but they pose a thorny problem for the Islamic Courts as they make the difficult shift from political movement to administration.

In the immediate aftermath of victory over the ARPCT, the Islamic Courts launched a diplomatic initiative aimed mainly at the West (especially the U.S.), and the UN. A communiqué on 5 June 2006 "said all the right things".<sup>50</sup> Specifically, it committed the Courts to peace and democracy, sought good relations with all external actors and rejected links to terrorism. The communiqué and subsequent media interviews attempted to frame the Courts as a people's movement against warlordism. However, their actions will have much more to say about how the Courts are perceived than public relations efforts.

While some observers consider Sheikh Hassan Dahir Aweys the real power within the Courts, for many years a more accurate description of him would have been the *eminence grise*, who preferred to exercise power at arm's length. However, his recent appointment as leader of the *shura*, the consultative council of the Courts, has thrust him onto the political centre stage and into the international spotlight.

A former Somali military officer who fought in the Ogaden War, Aweys was sentenced to death by firing squad by the Barre regime for membership in *al-Itihaad al-Islami* (AIAI), the clandestine Islamist organisation. In 1989, he was pardoned and resumed his activities. In 1992, he was appointed AIAI's vice chairman and military commander and played a key role in its attempt to usurp

power in the north east from the Somali Salvation Democratic Front (SSDF), which brought him into direct confrontation with Abdillahi Yusuf, who headed its military committee at the time. Aweys's forces were routed, with hundreds killed.<sup>51</sup>

Aweys's involvement with AIAI earned him not only Yusuf's enduring hostility, but also that of Ethiopia and the U.S. The latter believes he was a principal interlocutor for al-Qaeda in Somalia during the early 1990s and had a relationship with the al-Qaeda team that did the 1998 embassy bombings. According to testimony presented in the U.S. trial of al-Qaeda suspects, a "Sheikh Hassan" from Somalia (whom the U.S. believes to be Aweys) attempted to communicate directly with bin Laden weeks before the bombings.<sup>52</sup> Recently, Aweys has accused Washington of trying to turn Somalia into "another Iraq" and threatened to "continue fighting as long as they attack us".<sup>53</sup>

Addis Ababa holds Aweys responsible, with other AIAI leaders, for terrorist attacks in the mid-1990s, including the bombing of two hotels and the attempted assassination of a cabinet minister. Equally troubling from its perspective is his assertion that he remains committed to an Islamic state in all Somali territories, including the Somali-inhabited region of Ethiopia.<sup>54</sup>

Aweys is widely considered a spiritual or ideological leader for a sub-group of the Courts known as *al-Shabaab*.<sup>55</sup> Although little is known about its formal structure, it has been described to Crisis Group as comprising the militia commanders of the jihadi Islamist Courts and other young militants. "They have their own structure", a close Mogadishu observer said, "and it is not clear where they take their orders from".<sup>56</sup> A video obtained by the international media in July 2006 appeared to substantiate reports of foreign fighters among the Court forces, especially those associated with *al-Shabaab*, although Aweys has dismissed it as fraudulent.

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<sup>51</sup> For a fuller account of this episode, see Crisis Group Report, *Somalia's Islamists*, op. cit.

<sup>52</sup> Transcript, "USA v. Usama Bin Laden et. al.", day 38, 2 May 2002. The U.S. designated Aweys an individual with links to terrorism under Executive Order 13224, but he has not been indicted for any terrorist act.

<sup>53</sup> Guled Mohamed, "U.S. Says It Helps Somalia, But Is Not To Blame for Fighting", Reuters, 23 May 2006.

<sup>54</sup> For a recent exposition of Aweys's views, see his interview with Rod Nordland, "Heroes, Terrorists and Osama", *Newsweek*, 22 July 2006.

<sup>55</sup> Various sources have told Crisis Group that the formal name of the group is either *al-Shabaab al-Islam* or *al-Shabaab al-Jihaad*, Crisis Group interviews, Nairobi, June 2006.

<sup>56</sup> Crisis Group telephone interview, July 2006.

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<sup>50</sup> Crisis Group interview, regional analyst, June 2006.

As long as Aweys has influence within the Islamic Courts, Ethiopia and the U.S. are likely to remain wary of engagement, if not actively hostile. Statements from Court leaders, including Aweys, denying links to al-Qaeda or the presence of foreign terrorists in areas under their control can only go so far toward allaying these concerns. If the Courts seek broad international acceptance, they will have to take concrete measures, such as cooperating with regional and international counter-terrorism efforts and recognising Ethiopia's control of the Ogaden

Despite its military victory, the Islamic Courts have yet to consolidate political authority over Mogadishu or other areas under their control. Although each court is associated with a Hawiye sub-clan, its authority is limited to judicial and security matters. No sub-clan has yet conferred upon the Courts the authority to represent it politically. On the contrary, within each sub-clan, a generational conflict is emerging, with political, civic, business and traditional leaders struggling to retain their influence in the face of the Courts' challenge. At the same time, the Courts continue to acknowledge the Banadir administration led by Adde Gabow, which was set up in December 2005.

Were the Islamic Courts to establish themselves as the sole authority for Mogadishu, or Banaadir region, it would pose challenges for both the peace process and donors seeking to aid the area's people. Alone, the Courts have little prospect of achieving a negotiated settlement with the TFG. The preconditions established by hardliners within the movement (such as a revision of the Transitional Federal Charter to introduce Sharia) and the allegations of links to terrorism complicate any dialogue. To some within the Islamic Courts, either waiting for the TFG to collapse or hastening the process by destabilising Baidoa might appear the preferred course.

Donors would also be confronted with difficult questions regarding assistance to and through an Islamic Courts administration. A decision not to recognise the movement's role would deprive aid agencies of contact with the sole functional authority over more than a million Somalis in the Benadir triangle. This would be especially problematic if the Islamic Courts maintain security in Mogadishu. If aid agencies do opt to work through or with the Islamic Courts, they will immediately face difficult policy issues relating to governance structures built on a combination of Sharia and customary law.

Another looming governance issue facing both the Islamic Courts and potential donors is the transformation of the current Sharia court governance structure to one which offers protection and justice to all. The Mogadishu Sharia courts are sub-clan based, dispensing justice within but not across clan lines. Moreover, since they are

affiliated with one clan-family – the Hawiye – Mogadishu cannot be credibly portrayed as a national capital where all Somalis enjoy equal rights. But dismantling the current judicial system in pursuit of a more ambitious, universal one risks undoing the single set of structures that actually provides local rule of law.

A far better option, therefore, would be to integrate the Courts within a broader Banaadir administration. This would ensure that other, mainly Hawiye voices, would be represented, enhancing the prospects for dialogue with the TFG and providing a single, acceptable interlocutor for donors. Although it would not resolve Mogadishu's status as a national capital, rather than an exclusively Hawiye city, it would be an important first step.

## IV. THE ONGOING STRUGGLE FOR POWER

From one perspective, the Courts' victory appeared to clarify the situation in the south and bring a political solution closer. The collapse of the ARPCT at least temporarily returns Somalia to bi-polar politics, pitting the Mogadishu-based, anti-Ethiopian, Habar Gedir-dominated Islamic Courts against the Baidoa-based, pro-Ethiopian, Majeerteen and Abgaal dominated TFG. But even that division is expected to be highly unstable. The two coalitions have serious internal divisions and rivalries, increasing the likelihood of additional schisms, realignments and instability. The issues and competing interests are complex, reflecting clan cleavages, external alliances, ideology, business competition and personal rivalries.

At the same time, a variety of forces, internal and external, seem to be propelling Somalia toward a new and wider conflict in which clan rivalry, ideology, regional geopolitics and the U.S.-led war on terror converge. This threatens a new kind of war in which regional governments are involved, the U.S. and others may be active, foreign jihadis take part, and terrorism spills beyond Somalia's borders.

### A. UNFINISHED BUSINESS: THE CLAN FACTOR

The palpable clan character of the confrontation between the Courts and the TFG could become more pronounced in the event of overt hostilities. Many Hawiye perceive the Courts as clan-based: "Somaliland is for the Isaaq; Puntland is for the Majeerteen", a Somali NGO worker from Mogadishu told Crisis Group. "We Hawiye need an authority of our own, not only to bring peace and security but to promote our interests".<sup>57</sup> Others view the TFG as an instrument of Darod aggression: "This government wasn't chosen by the people", a Hawiye expatriate said. "It was chosen by Ethiopia and Kenya...Now [President] Abdillahi [Yusuf] just wants to take his revenge upon the Hawiye and impose his rule".<sup>58</sup>

Such perceptions are reinforced by the absence of credible Hawiye leadership in the upper echelons of the TFG but also by the composition of its militia forces (which its leaders call a "national army"), drawn predominantly from Puntland (Majeerteen and other Harti Darod), Ogaden (also Darod) and smaller numbers of other clan

groups. That the TFG's security sector leadership is also dominated by members of the Darod compounds the problem.

Within the Hawiye clan, however, there is a widespread perception that the Courts are a vehicle for Habar Gidir Ayr influence, which breeds some resentment among other groups. Resistance has been most vigorous within the Abgaal and the Habar Gidir Sa'ad sub-clans. Both, however, have surrendered much of their military hardware and seem to have acquiesced in the Courts' authority for now. In sum, a confrontation between the TFG and the Courts would in many respects be a continuation of the civil war that followed Barre's ouster in the early 1990s. By evoking clan loyalties and rivalries, both sides could potentially mobilise resources on a scale unseen over the past decade. The humanitarian consequences would again be catastrophic.

Preventing foreign jihadis from adopting Somalia as a base is one of the few things most international actors agree on. Unfortunately, it is also one of the most likely outcomes of regional and international involvement in Somali affairs, as the following sections attempt to explain.

### B. REGIONAL DYNAMICS: SPHERES OF INFLUENCE AND PROXY WAR

The conflict between the TFG and the Courts is also shaping up as a proxy confrontation between regional powers and other international actors. Some of these are deliberately exploiting the situation; others are largely unwitting accessories to an internal Somali conflict.

#### 1. Ethiopia

The single most important foreign actor in Somali affairs, Ethiopia, is the TFG's patron and principal advocate in the international community. It has legitimate security interests in Somalia and has in the past intervened constructively to support reconciliation and state-building, notably in Somaliland and Puntland. But its current engagement has been deeply divisive and has undermined its own security objectives.

Ethiopia considers the Islamic Courts to have been infiltrated by al-Itihaad, and a potential entry point to the region for al-Qaeda. Prime Minister Meles Zenawi explained in a recent press conference:

...the Islamic Courts Union is not a homogeneous entity. Our beef is with Al-Itihaad, the internationally recognised terrorist organisation. It so happens that at the moment the new leadership of the Union of the Courts is dominated by this particular group. Indeed, the chairman of the new council

<sup>57</sup> Crisis Group interview, July 2005.

<sup>58</sup> Crisis Group interview, July 2005.

that they have established is a certain colonel who also happens to be the head of Al-Itihaad. Now, the threat posed to Ethiopia by the dominance of the Islamic Courts by Al-Itihaad is obvious. Many of you would remember that Al-Itihaad had been involved in terrorist outrages here in our capital. And so, it is absolutely prudent and proper for us to take the right precautionary measures.<sup>59</sup>

Despite official denials, persistent and credible reports, confirmed by diplomats and UN sources, continue from much of south-western Somalia concerning the presence of Ethiopian forces.<sup>60</sup> For now, the deployments appear to be intended to protect the TFG base in Baidoa and to establish a buffer zone between Dolo, on the Kenyan border, and Galdogob in central Somalia. Military and diplomatic observers in Nairobi, however, believe Ethiopia is preparing to carry out a short, sharp strike deep into southern Somalia if it deems the Courts a sufficient threat.<sup>61</sup>

Ethiopia's security concerns relate not only to the Courts' Islamist character but also to Eritrea's role as their backer. During their 1998-2000 border war, Ethiopia and Eritrea opened a second front in Somalia by proxy, each backing client factions. Since the TFG's inception in 2004, Ethiopia has provided military materiel and training, while Eritrea has more recently begun to assist the Courts. If the TFG and the Islamic Courts fight, Addis Ababa and Asmara will again sponsor rival proxies.

Ethiopia is deeply unpopular with many Somalis, who believe it fears the re-emergence of a strong, united Somalia and so seeks to perpetuate instability and division. Ethiopian support of the TFG has already sapped the interim government of credibility in the eyes of many, who consider its leadership to be more responsive to foreign priorities than their own. Leading parliamentarians in Baidoa express deep disquiet over the presence of Ethiopian forces around the town.<sup>62</sup> As Crisis Group has warned, the prospect of Ethiopian military intervention would rally a broad cross section of Somalis and serve as a foil against which hard liners within the Courts could mobilise for defensive jihad.<sup>63</sup> Jihadi propaganda already seems crafted to portray Somalia as part of a cosmic conflict between Muslims and infidels and to engage the support of foreign jihadis.

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<sup>59</sup> Prime Minister Meles Zenawi, press conference, Addis Ababa, 27 June 2006, at <http://www.ethioembassy.org.uk/Archive/>.

<sup>60</sup> Crisis Group interview, Nairobi, June 2006; "Ethiopian troops 'are in Somalia'", BBC, 26 July 2006.

<sup>61</sup> Crisis Group interviews, Nairobi, June/July 2006.

<sup>62</sup> Crisis Group, electronic communication, June 2006.

<sup>63</sup> See, for example, Crisis Group Report, *Counter-Terrorism in Somalia*, op. cit., and Crisis Group media release, "Don't Cross the Mogadishu Line", op. cit.

## 2. Eritrea

Eritrea's involvement over the past decade has been intermittent, driven almost entirely by desire to frustrate Ethiopian ambitions. During the 1998-2000 border war, it provided arms, training and transport for Ethiopian Oromo insurgents operating from Somalia, as well as their Somali allies – Hussein Aideed's militia. After the war, support diminished, although Asmara maintained relations with the Ogaden National Liberation Front (ONLF) and other Ethiopian rebel groups. ONLF fighters routinely transited Somalia and obtained weapons from Somalia's arms markets. Eritrea has been passive in IGAD, allowing Ethiopia and Kenya to drive the Somali agenda.

Over the past year, however, Eritrea appears to have dramatically augmented its engagement. UN monitors allege that between May 2005 and May 2006, it delivered at least ten arms shipments to Somalia, mainly to leaders aligned with the Islamic Courts (including Aweys and Indha'adde) and to the ONLF. Two unidentified aircraft that landed at Mogadishu's international airport in the last week of July 2006 were reportedly carrying arms for the Courts from Eritrea. An editorial on the Eritrean ministry of information website denounced the Ethiopian "invasion" and called for the withdrawal of its forces.<sup>64</sup>

The reawakening of Asmara's interest comes at a time when demarcation of the Ethio-Eritrean border has stalled and tensions are high, as both sides prepare for a reduction of the UN peacekeeping forces along the frontier.

## 3. Arab League

The Arab League had been mostly peripheral in Somalia since formation of the TFG but has also re-emerged as a major player. Yemen took the lead in brokering the January 2006 Sana'a talks that temporarily healed the rift between the TFG president and parliament speaker. Sudan, as the Arab League chair, has also stepped forward to broker negotiations between the TFG and the Courts. Although the international community has broadly welcomed this initiative, some observers believe Khartoum is fronting for Egypt, which has historically competed with Ethiopia for influence over the Somali peninsula. In July 2006, TFG Prime Minister Geedi lashed out at Egypt, Libya and Iran, accusing them of supporting "terrorists" in Somalia.

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<sup>64</sup> "The Somali Issue: In Demand of a Quick Remedy!", 26 July 2006, at [http://www.shabait.com/staging/publish/article\\_005277.html](http://www.shabait.com/staging/publish/article_005277.html).



## V. TOWARD A WIDER WAR

The multifaceted nature of the crisis makes pursuit of a peaceful settlement complicated. Any settlement must satisfy not only the two main Somali protagonists but also other internal actors with the potential to emerge as spoilers (including the Puntland administration and the Juba Valley Alliance) and regional powers such as Ethiopia, Eritrea, Yemen and Egypt. To earn broader international credibility and support, it will also have to address the legitimate counter-terrorism concerns of the U.S. and other Western countries.

The first and most obvious challenge is that neither the TFG nor the Islamic Courts speak with a unified voice. Pragmatists on both sides are prepared to seek a negotiated settlement that avoids armed conflict; ideologues in both camps believe their objectives are best served by confrontation. Hardliners have the upper hand: pragmatists have no way of securing their compliance with a negotiated agreement and would have little choice but to rally behind the firebrands if shooting starts. If the hard men on either side feel their interests are threatened by an unfavourable sentiment, they are likely to undermine the peace process by both overt and covert methods.

### A. THE KHARTOUM TALKS

On 22 June 2006, shortly after the Courts' victory, Sudan invited the TFG and Islamic Courts for talks to prevent a direct confrontation. Despite lack of engagement in Somali affairs over the past decade, Khartoum's Islamist credentials and its warming relations with Ethiopia recommended it as a mediator. Its support to AIAI in the early 1990s also implied an unparalleled degree of access to the militants within the Courts.

The invitation caught both parties off guard. Having initially welcomed the defeat of the ARPCT, President Yusuf responded by demanding that the Courts first recognise his government. The Courts were unable at first to agree on a delegation, and the group that finally went to Khartoum had an uncertain mandate. *Harakat al-Islaah*, a modernist Somali Islamist group affiliated with the Muslim Brothers,<sup>65</sup> disowned one of its members who took part, and Aweys and his followers reportedly reacted angrily to the deal that was struck.<sup>66</sup> A seasoned Somali analyst told Crisis Group Aweys's election as chairman of the Courts' *shura* was a reaction to the

Khartoum talks and an attempt by Salafi jihadis to reassert control.

The first round of talks achieved little: the parties agreed only to refrain from hostilities, to recognise one another and to meet again on 15 July. But as the second round approached, they accused each other of having violated the initial agreement. The TFG argued that Aweys's appointment might be a breach and then criticised the Courts for attacking the militias of Hussein Aydiid and Abdi Qeybdiid, two of its Mogadishu-based allies. When the TFG subsequently announced that it would not take part in the second round and called for a postponement, the Islamic Courts retaliated with charges that it had also violated the agreement.

The TFG's refusal to participate almost revived the rift within its institutions. Speaker Sharif Hassan announced that parliament would send its own delegation and, in what amounted to a vote of no-confidence in the TFG's leadership, secured a significant majority in support of his initiative. The TFG initially responded that parliament was behaving unconstitutionally but later agreed to send a joint – albeit low-level – delegation. However, prospects for a durable settlement are not good as long as the Khartoum process is confined to the TFG and the Islamic Courts. Their positions are so fundamentally incompatible and the leaders so mutually hostile that it is difficult to envision a functional power-sharing arrangement. At the same time, both parties are essentially factions, representing narrow agendas rather than the broader constituencies they claim. A deal between the TFGs and the Mogadishu community is realistic but the TFG and the Courts are not sufficiently representative to achieve it.

Meanwhile, expansion of court authority to Bay region and the deployment of several hundred Ethiopian troops to Baidoa suggested the hardliners on both sides were about to obtain their showdown. On 28 July, Abdalla Dheerow Isaaq, a leading Rahanweyne politician and former speaker of the Transitional National Government (TNG) parliament, was shot dead leaving a Baidoa mosque. Although he had long been associated with the Ethiopian-backed SRRC, both sides immediately accused the other. His murder triggered riots that rendered Baidoa even more unstable and insecure than usual.

### B. REGIONAL INTERVENTION: PEACEKEEPING OR CONTAINMENT?

One of the greatest threats to the peace process is the growing international openness to lifting the UN arms embargo to allow the TFG to arm and train its security forces and to the eventual deployment of a regional peace support operation.

<sup>65</sup> For an extensive discussion of *al-Islaah*, see Crisis Group Africa Report N°100, *Somalia's Islamists*, 12 December 2005, pp.13-15.

<sup>66</sup> Crisis Group interviews, Nairobi, July 2006.

Any decision by the Security Council to lift the arms embargo for the benefit of the TFG would greatly risk expanding violence in the country.<sup>67</sup> Anticipation of a confrontation between the TFG and the Islamic Courts has led to a significant increase in arms flows to Somalia in recent months, which successive UN Monitoring Group reports have documented.<sup>68</sup> Recent reports by the UN Panel of Experts also describe a “sustained and dramatic upswing”, including systematic violations of the embargo by a wide range of political factions, merchants, Islamists and a number of countries such as Ethiopia, Eritrea, Italy and Yemen, as well as the TFG itself.<sup>69</sup>

Despite near universal disregard for the embargo, UN monitoring has had an impact. The naming of individuals engaged in small arms import and sales worries many Somali leaders that the data could eventually be used in legal proceedings. Governments named as suppliers of weapons to Somali clients have generally found the charges unwelcome and disputed them. Most importantly, the embargo has prevented the TFG from legally securing external assistance to arm and support its security sector and created a legal impediment to the deployment of regional peacekeeping or stabilisation forces. Consequently, President Yusuf and his key external supporters have regularly called for its partial lifting.

Concerted lobbying by Kenya and Ethiopia led to a formal call for this by IGAD in November 2005. The UN Security Council has repeatedly refused but the revival of the TFG in spring 2006 resurrected the notion, which appears to have won new backers among diplomats and donors in Nairobi. The African Union has called for a partial lifting of the ban to enable peacekeepers to be deployed, a position endorsed by the Special Representative of the UN Secretary-General to Somalia (SRSG), François Fall.

On 13 July 2006, the Security Council issued a presidency statement affirming its readiness to consider “a limited modification of the arms embargo to enable the TFIs, on the basis of a sustainable peace process, to develop Somalia’s security sector and national institutions capable of responding to security issues” and possible deployment of an IGAD peace support mission.<sup>70</sup> A statement of the International Somalia Contact Group (ISCG) on 17 July was more cautious, conditioning its support to a “broad based, representative security sector” upon a “successful

dialogue between Somali parties” and a “sustainable peace process”.<sup>71</sup>

The mixed messages on an IGAD deployment reflect both confusion about the actual situation and unstated divisions about the nature of any intervention force. The UN, Arab League, AU and IGAD agree – at least rhetorically – that the TFIs are the only legitimate framework for political reconstruction but this has little meaning on the ground: the most powerful group in southern Somalia, the Islamic Courts, is not party to any ceasefire, does not subscribe to the Transitional Federal Charter and has not endorsed the TFG’s National Security and Stabilisation Plan (NSSP), which is supposed to chart the path for development of the government’s security sector, and upon which any foreign deployment would necessarily be based.

Somalia’s partners are currently divided as to the best way to obtain the Islamic Courts’ buy-in to the TFIs. One school of thought, led by Ethiopia, believes that the TFG must be supported politically and reinforced militarily in order to compel the Courts to come to the table. A more realistic view is that since many Somalis – especially those who support the Islamic Courts – now view the TFG as a faction rather than a legitimate national government, they are likely to perceive any direct support to it as a provocation. Either way, as long as the Courts oppose foreign military deployment, the character of such a deployment would be that of a protection force, not peace support, and contributing countries would have to be prepared for their soldiers to fight to preserve the TFG.

Resolution of this debate has been pre-empted by the recent deployment of Ethiopian forces, who have begun patrolling in strength in the regions of Gedo, Bay, Bakool and Hiiraan. Diplomatic observers in Nairobi have also reported thousands of Ethiopian troops massing along the border.<sup>72</sup> In late July, as the Islamic Courts began to expand their influence into Bay region, Ethiopians moved in large numbers into Baidoa town and surrounding areas. The Ethiopian minister of information declared that his country was ready to strike the Courts militarily. “Ethiopia has made it clear on several occasions that there is a border line...if they do [cross] they will be crushed”, a senior government official told a news

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<sup>67</sup> See discussion of this issue in Section II.A.1 above. See also Crisis Group, “Conflict Risk Alert: Somalia”, 12 July 2005.

<sup>68</sup> See, for example, Schiemsy et al. “Report of the Monitoring Group on Somalia”, op.cit.

<sup>69</sup> Ibid., passim.

<sup>70</sup> “Statement by the President of the Security Council”, United Nations Security Council, 13 July 2006, S/PRST/2006/31.

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<sup>71</sup> “International Somalia Contact Group Communiqué”, Brussels, 17 July 2006. The 17 July meeting convened at the European Commission included the European Union (Presidency and Commission), Italy, Norway, Sweden, Tanzania, the UK and the U.S., together with the UN, African Union, Arab League and IGAD.

<sup>72</sup> Crisis Group interviews, Nairobi, June/July 2006.

agency.<sup>73</sup> A TFG cabinet minister suggested implausibly that “people are confusing the government troops wearing military uniforms donated by Ethiopia”.<sup>74</sup>

Ethiopia’s intention is to provide the TFG with a shield against a possible attack. Queried about a move by the Courts against Baidoa, a senior Ethiopian diplomat told Crisis Group bluntly: “We will not allow that to happen”.<sup>75</sup> But rather than bolstering the TFG’s fortunes, intervention seems bound to produce exactly the opposite result by undermining the TFG’s pretence that it represents the will of the Somali people and reinforcing the claim that it is a manifestation of foreign interests. Likewise, as Crisis Group has long argued, it would galvanise opposition from a broad coalition of groups and interests, both Somali and non-Somali.<sup>76</sup> Given their clan-based support structure and control of major ports and airports, the capacity of the Islamic Courts to mobilise and sustain a military effort far exceeds that of the TFG, which is almost entirely dependent on foreign assistance.

In response to the Ethiopian deployment, the leadership of the Islamic Courts has called for a defensive jihad – an appeal that resonates across the country. “We will all go and fight”, a respected Somali peace activist told Crisis Group. “I’ve never picked up a weapon in my life, but by God I will be in the front line if the Ethiopians invade my country”.<sup>77</sup> The head of the Courts security committee, Sheikh Yusuf Indha’adde, has reportedly threatened that a war would not be confined to Somalia but would be carried to Addis Ababa.<sup>78</sup>

Such threats deserve to be taken seriously. The asymmetrical nature of any conflict between Ethiopia and the Courts, the presence of court sympathisers in the Somali diaspora and probable links between the Courts and Ethiopian rebels suggest that violence might well spread beyond Somalia’s borders. If other regional states join Ethiopia in its military adventurism, they too risk becoming targets of the Islamic Courts and its supporters abroad.

A more immediate threat, however, may be the destabilising effect of the Ethiopian deployment on the TFG itself. On 30 July, a motion of no-confidence in Geedi’s government, motivated in large part by the Ethiopian presence in and around Baidoa, received 126 votes, just thirteen short of the number needed to pass; Geedi mustered only 88 supporting votes: enough for his administration to survive, but as at best a lame duck, incapable of unifying either the TFIs or the country at large. The government was further rocked by the resignations of 39 cabinet ministers in late July and early August.

Reports that the TFG president and the speaker of parliament backed the no-confidence vote suggested that another open rift within the TFI’s might be imminent. On 5 August, Ethiopian Foreign Minister Seyoum Mesfin unexpectedly travelled to Baidoa to broker a deal between the three principal TFI leaders. Under its terms, Geedi remained as prime minister but was obliged to dissolve the cabinet and reconstitute it with only 31 ministries. Although this potentially opened the way for new and credible leaders to join the government, the deal probably does not go far enough: as long as Geedi continues as prime minister, the prospects for genuine power sharing remain sorely limited. Furthermore, Mesfin’s intervention has reinforced the view among many Somalis that the TFG exists primarily to serve Ethiopian interests.

### C. THE WAR ON TERROR

Despite the risks inherent in deployment of an Ethiopian or even a multilateral military force in support of the TFG, many countries are even more alarmed by the spectre of a radical Islamist regime in Somalia that could potentially provide safe haven to international terrorists. Although the Courts have been at pains to offer assurances that they oppose terrorism in all its forms, their forays into morality policing and the prominence of known militants within the leadership have led numerous observers to draw parallels with the Taliban’s rise in Afghanistan in the 1990s.

For concerned governments, the choice is whether to pre-empt the emergence of such a regime by supporting the TFG and denying the Courts legitimacy, or to engage with the Courts to make them internationally accountable for their conduct. Any external attempts to isolate “moderates” from “hard-liners” within them, however, are likely to breed mistrust and xenophobia, strengthening radical tendencies rather than weakening them.

The Courts’ attitude towards the security concerns of neighbouring states and Western governments will be a key factor in defining relationships. Continued denial

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<sup>73</sup> Abraham Fisseha, “Ethiopia vows to ‘crush’ Somali Islamists amid incursion reports”, Agence France-Presse, 22 July 2006.

<sup>74</sup> “Somalia: People Confusing TFG Militia for Ethiopian Soldiers”, *Daily Monitor*, Addis Ababa, 23 July 2006, at <http://allafrica.com/stories/200607251084.html>.

<sup>75</sup> Crisis Group telephone interview, June 2006.

<sup>76</sup> Crisis Group Report, *Counter-Terrorism in Somalia*, op. cit., and Crisis Group media release, “Don’t Cross the Mogadishu Line”, op. cit.

<sup>77</sup> Crisis Group interview, Nairobi, June 2006.

<sup>78</sup> Mohamed Abdi Farah, “Somalia: Islamists threaten to attack Addis Ababa”, 20 July 2006, at <http://somalinet.com/news/world/English/3352>.

would reinforce claims they are a Trojan horse for radical agendas and a potential threat to the region. If they allow investigators to verify the presence (or otherwise) of al-Qaeda suspects and cooperate with investigations into crimes, such as the murders of aid workers in Somaliland, in which members are alleged to have taken part, it could go far toward assuaging concerns and ending their isolation.

## **VI. CONCLUSION: TOWARD A NEGOTIATED SETTLEMENT**

The prospects for a peaceful resolution of the present crisis are poor. The positions of the TFG and the Islamic Courts remain far apart, and it will be difficult for them to find middle ground, let alone share power. Every effort must be made, however, to reverse the slide toward war. Initiatives are needed to jump-start direct talks between the TFG, the Islamic Courts and other important Mogadishu-based groups, with the aim of producing a government of national unity. Representatives of both the TFG and the Islamic Courts must come under sustained pressure from citizens and international actors alike. As a first step, the TFG and the Islamic Courts should be urged to send signals to one another aimed at reducing hostilities and gradually building confidence. For the TFG, this could include a statement acknowledging that foreign peacekeepers should not be introduced in current circumstances. For the Islamic Courts, it could mean a moratorium on establishing courts where they do not yet exist.

Ethiopia and Eritrea should be pressed to cease their military involvement and refrain from inflammatory behaviour or rhetoric that could complicate the search for solutions. Donors should refrain from giving assistance to either side which could be construed as strengthening its military capacity and should also develop contingency plans for the full range of possible scenarios.

Diplomatic leadership in the search for a settlement must be augmented in response to the growing internationalisation of the crisis. How to operationalise that principle, however, presents real problems.

IGAD is too narrow a forum and too internally conflicted to provide the kind of direction needed. While Ethiopia and Kenya continue to tout the legitimacy of the TFIs and the need for an IGAD military intervention, Djibouti, Eritrea and Sudan have all indicated a preference for engagement with the Courts and have expressed doubts about the wisdom of dispatching a regional military force to Somalia. Likewise, the African Union has lent its support to IGAD's deployment plans, and is therefore no longer seen as an honest broker by the Courts.

The Arab League currently has the diplomatic lead, having hosted the first round of talks in Khartoum and secured agreement in principle from both the TFG and the Courts to return for a second round. Sudan's success in this regard is commendable and deserves international support. But an Arab League initiative excludes, virtually by definition, certain key actors, including most of the IGAD countries and particularly Ethiopia. Some within

the TFG (and Addis Ababa) suspect the Arab League of being overly sympathetic to the Courts.

The ISCG cannot take over leadership. It provides a forum for primarily the main Western countries engaged in Somalia to contribute, helping in particular to place U.S. engagement in Somali more firmly within a multilateral context, and relegating to observer status those international organisations most closely involved diplomatically and politically. It should, however, become more involved, including by working more in country, not merely in New York. The U.S. in particular needs to signal intention to become more active by appointing a senior diplomat and giving him appropriate negotiating authority.

In order to succeed, international diplomacy must accommodate and, within realistic limits, unite these disparate interests and forces – especially Ethiopia, Egypt, the EU and the U.S. – behind a coherent mediation initiative. The truth of the matter is that there is no clearly appropriate single institution much less country with the necessary standing, credibility and acceptability to both parties – the TFG and the Islamic Courts – to take on this task.

Crisis Group's preferred choice, therefore, is the UN. It will not be eager to take this on; indeed it will need persuading. But it is the most authoritative and prestigious body and as such best positioned to provide the required collegial leadership. It has some in-country presence, through the capable SRSR, François Fall. Neither he nor his team, however, were originally sent to undertake such a wide-ranging task. They would need political reinforcement and would not in any event be adequate to the challenge alone. Rather, they should draw on and work with all the above-mentioned bodies and countries, and their mission would need as well to have its hand strengthened by the expressed readiness of the Security Council to act against potential spoilers of any deal by applying sanctions if need be.

Conceivable, though in Crisis Group's view more problematic alternatives, might be for the Arab League to associate IGAD, the AU and Western governments more closely with Khartoum's efforts, or – better – for the AU and Arab League to agree on a joint, collegial approach to resolving the Somali crisis, with the explicit backing of the UN.

What is essential, however, is that no more time be lost in institutional gamesmanship. Vigorous, coordinated, priority action is required or another tragic chapter will be written in what is approaching a generation of failed efforts to help Somalia come back together. The chief elements of the deal that the parties need to be brought to are set out below.

**A Government of National Unity.** A chief TFG weakness is its relatively narrow political base. Too many constituencies have no stake in its success and may play the role of spoilers. If the TFG does not broaden its base, the strong groups now outside the government will almost certainly block its progress. The Islamic Courts are the most powerful political and military force in Somalia, yet are entirely outside the TFG. The Islamists are consolidating control over the Benadir Triangle – the area from Lower Shabelle region through Mogadishu to Bal'ad in Middle Shabelle region, which is the country's most important, politically, economically, demographically and strategically. It is impossible to contemplate a functional national government that cannot operate there.

Other groups that have yet to be brought fully into the TFG include the economically and militarily powerful Habar Gedir Ayr sub-clan, which controls valuable territory from south Mogadishu to Kismayo and a number of strong regional militia leaders such as Lower Shabelle "governor" Sheikh Indha'ade and the head of the Jubba Valley Authority, Barre Hiraale.

The challenge for the TFG is that any attempt to integrate these groups more fully risks prompting defections by leaders and clans who would be forced to give up some of their own power and positions. A cabinet reshuffle, which would open up portfolios for newcomers, is inherently risky. A more attractive option might be to guarantee currently marginalised groups new posts in national commissions and regional administrations. Whatever the strategy, it must be informed by a clear commitment to making the TFG a government of national unity in which all, or nearly all, feel they are stakeholders.

Broadening the base also raises difficult questions about which constituencies might be beyond the pale. This is especially awkward with regard to the Islamist coalition in Mogadishu, which ranges from moderate through wahhabist to jihadist. While the TFG must engage in dialogue, that general observation does not answer the more specific and critical question of which Islamists it is acceptable to negotiate with and potentially bring into the government. Any attempt to reach a pact with more moderate elements runs the immediate risk of triggering a violent reaction by hardliners. The jihadi cells in Mogadishu that have a record of political assassination could resort to violence if outmanoeuvred politically. Likewise, broadening its base may require the TFG to reconsider the dismissal of its "armed ministers".

To get to a government of national unity, however, the slide toward polarisation and confrontation must first be reversed. Ethiopia must be convinced to suspend deployments and withdraw its troops; the Islamic Courts must withdraw their militias back toward Mogadishu;

the TFG must drop the call for regional peacekeepers for now. Thereafter, outside mediators should assist the TFG and Islamic Courts to negotiate a power-sharing accord. The Ethiopian-brokered accord of early August does not go nearly far enough: by retaining Geedi, the agreement limits the opportunities for a power sharing deal that satisfies either the Hawiye, or the Courts. And by reinforcing the impression of Ethiopian influence over the TFG, Addis Ababa has further undermined the legitimacy of the institutions it is trying to salvage.

**A Revised National Security and Stabilisation Plan.** Broadening the base of the TFG cannot occur only at the cabinet level. It must also involve greater clan and faction balance in the army and police. The TFG's draft National Security and Stabilisation Plan (NSSP) envisions allocating positions in the armed forces by the inadequate 4.5 formula. A power-sharing arrangement with the Mogadishu-based authorities that makes the Islamists as well as other key constituencies in the city full stakeholders must be underpinned by negotiation of security arrangements, including a comprehensive ceasefire and a new NSSP reflecting the emergence of the Courts as a de facto military force throughout much of the south as well as any foreign troop involvement, whether to monitor or support the arrangement. Despite the Courts declared opposition, an international monitoring presence might yet be required to ensure that no unauthorised troops or arms enter Somali territory on either side.

Key elements of the NSSP, especially those regarding establishment of national military and police forces, should be enshrined in enabling legislation. By providing greater transparency, parliamentary deliberations would help to build confidence between the parties and ensure a more representative and accountable security sector.

Introducing elements of counter-terrorism cooperation and legislation into the NSSP might help to shift that

issue from a political to a technical level, while addressing the concerns of other countries. Relevant UN bodies, including the Counter Terrorism Committee (CTC) and al-Qaeda Committee, could be requested to brief the parties on their international obligations and advise them on key aspects of legislation and cooperation.

**Constitutional Dialogue.** One of the principle demands of the Islamic Courts is that Sharia be enshrined as the basis of law in Somalia. Implementation of this principle, if agreed by the parties, would require intensive and probably protracted negotiations. The Constitutional Commission already established by the TFG would probably have to be reconstituted with adequate representation from the Islamic Courts. Negotiations over the place of Sharia in the future constitution and over institutional arrangements pertinent to its implementation could then proceed in parallel with more technical tasks required by the current Transitional Federal Charter.

**Phased Return of Transitional Federal Institutions to Mogadishu.** The location of the TFIs has been contentious ever since President Yusuf announced his intention not to locate his government in Mogadishu. The progress of the Islamic Courts in restoring law and order to the capital has weakened the TFG's assertion that the city is still insecure but has done little to alleviate Yusuf's reservations about basing himself in what he perceives to be hostile territory, where he would have to govern on the Courts' terms.

Dialogue should aim at a phased return of the TFIs to Mogadishu, beginning with the parliament and possibly a reconstituted cabinet at a later date. The presidency could remain outside Mogadishu longer, until the parties agree on a mutually acceptable arrangement.

**Nairobi/Brussels, 10 August 2006**

## APPENDIX A

### MAP OF SOMALIA



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with nearly 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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**August 2006**



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#### AFRICA

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