

Reflections on the Somali Peace Process

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1. Introduction

This paper contributes to some of the questions raised by the United National General Assembly in its resolution 65 / 283 on “the useful role mediation can play in preventing disputes from escalating into conflicts and conflicts from escalating further, as well as in advancing the resolution of conflicts and thus preventing and / or reducing human suffering and creating conditions conducive to lasting peace and sustainable development”. In exploring the questions posed by the General Assembly resolution, the paper uses the Somali conflict resolution process as a case study, and does this within the broader context of third-party intervention commonly referred as mediation.

In this context, the paper explore the questions posed, as to “what are the key attributes of an effective mediation process, including the design and implementation stages, and how can continuous mediation efforts contribute to effective implementation of a peace agreement.” Literature on conflict resolution concludes that it is easier to prevent war than to deal with its consequences. In this context, Sutterlin (2003) argues that it is unfortunately difficult to prove this assertion because successes are hard to confirm, whereas every war and conflict is evidence of failure.

2. Definition of Mediation

Mayer (2004) defines mediation in terms of four characteristics:

- (i) Impartiality: Mediators do not see their job as trying to promote one person or group's interests at the expense of another.
- (ii) Process orientation: Mediators conduct a process to assist people in communicating about the issues that are of concern to them. They do not focus on the substance of the issues alone (although the role that mediators play with regard to substance may vary considerably).
- (iii) Problem solving: Mediators do not simply try to decide what the law dictates. They also endeavour to help solve the problems that underlie the conflict. Often, but not always, this means taking an integrative or interest-based approach.
- (iv) Client focused: The mediator's goal is to attain a solution that disputants will accept rather than to impose one on them. Usually this means focusing on clients' interaction, communication, emotions, needs, and decision-making process.

Mayer's assumption is that the dispute is ready for mediation. Mediation is not the only tool for conflict resolution but a tool that should be used sparingly and the temptation to over-play it has often led to rejection of the process by disputants. The scholarly literature makes assumptions that the decision to negotiate is motivated by some factors such as the ripeness of the conflict (Zartman, 1989), a mutual hurting stalemate and mutually enticing opportunities.

3. The Concept of Intractable Conflict

3.1 Coleman (2006) defines intractable conflicts (also known as "protracted social conflicts", "moral conflicts" or "enduring rivalries") as destructive, which persist for a long period and resist all attempts aimed at constructive resolution. He again argues that intractable conflicts can appear to take on a life of their own. Intractable conflict regularly occur in situations where a severe imbalance of power exists between the parties in which the power holder in such situations will often use the existence of salient inter-group distinctions such as class, race ethnicity and gender to hold on to power. While Crocker, Hampson and Aall (2009) argue that intractable conflicts tend to experience episodic, but recurring bouts of violence and appear to be highly resistant to efforts to resolve them, and they are of the view that the conflict is not impossible to resolve through a process of negotiation and peace-making. The other option for the settlement of intractable conflicts is to let the conflict settle itself (Crocker et al, 2009). Mediation in intractable conflict should start by asking why third-parties should be involved at all, given that prior failure is a hallmark of intractability. Crocker et al (2009) conclude that intractability and

state failure are closely related, with one feeding from the other and encouraging this state of affairs.

4. The Somali peace process

Fourteen peace processes since the fall of the General Said Barre regime and the eventual disintegration of the Somali state in 1991 have failed to resolve the protracted Somali conflict. All these peace processes have had a common objective of creating a central government as an instrument of transforming the conflict.

The notion that a state building approach is a viable instrument of resolving the Somali conflict has not yet yielded the desired result thus far. To this end, Menkhaus (2003) argues that state building and peace-building are two separate, and in some respects, mutually antagonistic enterprises in Somalia, yet the state building approach remains the only option to mediation. The Arta Peace Conference (2000) and the Mbagathi Peace Conference (2004) introduced an element of clan-coalition during the negotiation process.

The Arta Peace Conference (2000)

The mediation team in the Somali peace process included countries of the region such as Djibouti, Ethiopia, Eritrea, Kenya and Sudan. These countries imposed a solution to disputants and went further to coerce them in accepting the Arta process outcome. Despite the fact that these countries have imposed a solution on Somalis, some of them could not even make a political commitment to underwrite the outcome. Ethiopia was the first country to denounce the Transitional National Government (TNG) of Abdiqasim Salat Hasaan as an Islamist government inspired by the Al-Ittihad group. The TNG was never given the opportunity to consolidate itself, mainly in Mogadishu where the core leadership hailed from. As a consequence of this, the TNG was preoccupied with getting international legitimacy at the expense of reaching out to the warlords, who were a dominant political and military force in Mogadishu. Given these dynamics, the TNG then developed a relationship with the Islamic Courts in Mogadishu.

The argument can be made that the TNG was eventually forced to develop this working relation with the Sharia court structures because of isolation by Ethiopia and other countries within the Inter-Governmental Authority on Development (IGAD). The creation of the Mbagathi Peace

Conference in 2004 is indicative of resistance to the Arta process as opposed to a process designed to resolve the conflict one may argue.

The Mbagathi Peace Conference (2004)

The Mbagathi Peace Conference was convened at a time when the international situation was greatly altered by the September 11 events. Lewis (2008) alleges that the Mbagathi peace process repeated all the mistakes of the previous peace processes which never enjoyed popular support in Somalia. It was within this context of the post- 9/11 that failed states were perceived to be a safe haven for international terrorists, thus influencing the manner in which the Somali conflict was viewed by the Bush administration, which subsequently influenced countries of the region. Menkhaus (2004) challenges the conventional wisdom that collapsed states constitute a safe haven for international terrorists by arguing that Somalia appears to have all the ingredients for an ideal safe haven for Al Qaeda. However, he argues that the case of Somalia suggests that researchers may have been partially mistaken in their assumption about the relationship between terrorism and collapsed states. Significantly, Menkhaus asserts that terrorists preferred and found safety in weak states. In fact, transnational criminal and terrorists have found zones of complete state collapse like Somalia to be relatively inhospitable territory from which to operate. Instead they flourish in states where the institutions of governance are weak and easy to corrupt.

The argument can be made that the Mbagathi peace process's main content was to address the international perception about collapsed states and their relations with international terrorism, more than resolving what was setting Somalis apart. The Somali conflict was also a proxy war between Ethiopia and Eritrea. Mediation failed to establish the sources of the conflict, which this paper argues are land, water and grazing land. The Somali way of life revolves around these three issues and a failure to address them will perpetuate the conflict further. The Mbagathi process produced the Transitional Federal Government (TFG).

The reference to 'Federal' gives the understanding that there is some federal form of state, which is misleading as there is no devolution of power to any region or locality. The TFG is a centralised form of governance to say the least. The view may be formed that federal refers to a confederation of clans. According to Brons (2001), Somali conflict resolution mechanisms are embedded in the clan structure, hence perhaps a confederation of clans with regard to the Mbagathi process. Though the Mbagathi process makes an assumption to deal with the clan

political structure, it failed to give meaning to this political statement. Van Notten (2005) in locating the clan structure argues that the Somali nation is organised as a confederation of sovereign families. These sovereign families are without clear demarcated territories. It is difficult to create clan border areas in a situation where the population is constantly on the move in search of grazing land and water.

The Somali migration patterns have always been informed and influenced by the search for grazing land and water with regard to the pastoralist clans and arable agricultural land in the case of sedentary clans. To this end, Brons (2001) argues that identities which derive from production patterns are a critical component of the Somali body politics.

The Somali conflict is all about means of survival, which in this case are pasture and water in the nomadic setting, and other land in the farming setting. These are issues which the mediation needs to pay more attention to in order to ensure sustainable peace.

5. Conclusion

The mediators should ideally resist the temptation to see the conflict as an arena of addressing their domestic challenges. The fact that Somalis are Muslim in their faith should not be a negative factor during the design of the negotiation structure.

The literature on Somali identity is a challenge which requires further research because some scholars are of the view that clans are an equivalent of tribes, yet some place emphasis on the homogeneity of Somalis arguing that they are of the Hamitic group of people. Somalis have no clan borders to even think of a federal form of government and drawing of internal borders may become another source of conflict if the situation is not properly handled by the mediation. The mediators should consider creating opportunities which may entice Somalis to abandon the benefits of the war economy by providing a clear framework for economic development and reconstruction of the country underpinned by clearly articulated commitments by the international community. Failure to do so will further marginalise the Somali youth who know no other way of life except the conflict that has destroyed the moral fibre of Somalis.

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