

A stylized map of the Horn of Africa region, composed of a grid of grey dots. Several dots are highlighted in red, indicating specific geographical locations or points of interest.

## Sudan and Somalia – Linchpins on the Horn of Africa

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- Decisive in the referendum on the independence of Southern Sudan will be the will of the political leadership, not the will of the people.
- In spite of the considerable potential for violence, complementary interests of both governments offer latitude in negotiations.
- The fundamental problems faced by the Sudan will not be solved by the referendum and will continue to shape the development of the Sudan after the referendum.
- There is a risk that the international community of states will concentrate even more on the South and neglect North Sudan.
- A military stalemate between the armed jihadist groups of the al-Shabaab militia and the Somali transitional government with the support of the AU mission is leading to additional destruction which is spilling over into the entire region.
- The military war on terror alone cannot bring about stability. Work with local authorities which are interested in a sustainable peace is more effective.
- The country is divided: Somaliland functions as a democratic state, while the state in the South has failed. Development cooperation and political support is warranted to help avoid a destabilisation of Somaliland.
- To effectively combat piracy, the structures of a state governed by rule of law must be supported in pirate territory and economic alternatives created for the population of Somalia.



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## Linchpins on the Horn of Africa

The year 2011 on the Horn of Africa will largely be determined by two factors: developments in the Sudan in the wake of the referendum and by direction taken in Somalia – two conflict systems independent of one another which have considerable impact on the region and beyond.

In the case of the Southern Sudan, the Sudan could be successful in achieving that which was agreed upon by the South and North in the Comprehensive Peace Agreement (CPA) of 2005: the possibility of peaceful self-determination for the southern Sudanese. The southern Sudanese will be voting in a referendum on whether the Southern Sudan is to become independent or the status quo of unity with the North will remain in place: a process unparalleled in international politics. If the South decides in favour of independence from the North, a new sovereign state will be created in the region which is neither developed nor stable. If the referendum results in a unified Sudan, demands for participation, power and sharing of resources will not be any less pressing. If the experiment backfires and a new civil war breaks out between the North and the South, this will have a dramatic impact on the Horn of Africa region. The analysis by Anja Dargatz seeks to show that there is a chance for a peaceful referendum in spite of the scale of the endeavour and the enormous risks accompanying it.

While developments in the Sudan hold out opportunities for a peaceful coexistence or interaction, Annette Weber assesses the situation in Somalia as much less promising at present. Thus everything is pointing towards a continuation of the fighting in South Somalia and a widening of the humanitarian disaster as a consequence. There are scarcely any indications of sufficient interest in peaceful solutions by the actors in Somalia. In the northeastern region of the Puntland, no significant decrease in piracy is to be witnessed even two years after the commencement of the EU NAVFOR naval operation Atlanta to protect the trade routes and combat piracy. A strategy which goes beyond the naval operation and addresses the political

problems in the country is urgently needed. The most fatal conflict cluster in the country is doubtlessly the situation in South Somalia. There the military stalemate continues between the army of the Transitional Federal Government (TFG) and the mission of the African Union, AMISOM, on the one side and the various armed *jihadi* groups on the other. First and foremost among them, al-Shabaab is increasingly seen as a threat not only to the security of the population of Somalia. As a result of the influx of foreign *ihadists* and a closer relationship with al-Qaida, al-Shabaab is moving its struggle to the international level and demonstrating by suicide attacks such as in Kampala in July 2010 that it is also willing to fight in the Horn of Africa region.

The countries in the region as well as the international community at large face enormous challenges in the Horn of Africa. An additional destabilisation of the region, a chain of weak states which would unleash a flood of migration and violent actors, runs contrary to Europe's interest in a stable neighbouring continent. For these reasons Germany and the European Union are already making a major commitment to Southern Sudan as well as the maritime Horn: German government development cooperation with Southern Sudan was confirmed in August 2010, with six million Euros being apportioned for the region; the Federal German government supported the Sudan with EUR 450 million through various channels (UN, EU, bilateral) from 2005 to 2007. The European Council released EUR 150 million from the 9th European Development Fund (EDF) for the entire Sudan in July 2010; moreover the EU has despatched an election-monitoring mission there. Military assistance to secure the sea lanes costs the German government EUR 43 million per year. This makes Germany and the European Union actors which have to be ready and prepared to confront the dynamic developments in the region.

The two analyses provide an overview of the current situation and outline possible future scenarios in the Sudan and Somalia and identify possibilities for meeting these challenges through external actors as well, in particular the European Union and the Federal Republic of Germany.



## The Sudan 2011: the end of a marriage of convenience

Anja Dargatz

### The legal framework

The date has been set: 9<sup>th</sup> January 2011 – and in contrast to the other roadmaps, which have been repeatedly postponed and adjusted, there is this time little reason to doubt that the referendum on the unity or secession of the Sudan will take place on this date. The last and most important part of the Comprehensive Peace Agreement (CPA), which ended the civil war between the North and Southern Sudan in 2005 is thus tantalisingly close.

The right to self-determination for the Southern Sudanese is already laid down in the first protocol, which was signed by the Sudan People's Liberation Movement/Army (SPLM/A) and the National Congress Party (NCP). It states:

»1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status ...

2.5. At the end of a six year interim period there shall be an internationally monitored referendum organised jointly by the GOS and SPLM/A, for the people of South Sudan to confirm the Unity of Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.«<sup>1</sup>

Finally, the *Southern Sudan Referendum Act*, which sets out the structure for the referendum process, was adopted by the Parliament on 29<sup>th</sup> December 2009. The specification of which persons are entitled to vote is important here:

»Born to parents both or one of them belonging to one of the indigenous communities that settled in Southern Sudan on or before 1st of January 1956, or whose ancestry is traceable to one of the communities in Southern Sudan

Permanent resident without interruption or whose any of the parents or grandparents are residing permanently, without interruption in Southern Sudan since 1.1. 1956 ...

Registered in the referendum register.«<sup>2</sup>

There is both an ethnic as well as a geographic definition

of »Southern Sudanese«. Membership in this group can be demonstrated either through official documents or by a certificate from a sultan.

The referendum will be decided by majority vote (50 percent + 1). At least 60 percent of the registered voters must cast their votes for the referendum to be valid.<sup>3</sup> At the same time, the inhabitants of the region of Abyei will be voting on whether they want to belong to the North or become part of the (Southern) Federal state of Bahre Ghazal.<sup>4</sup>

### Status of the preparations for the referendums

As a result of the postponement of elections and political power struggles, the preparations for the referendum have been delayed: the Referendum Commission for Abyei has yet to be appointed, the national Referendum Commission has not been able to agree on a secretary general so far, the Demarcation Commission has punted the ball back to the Presidency, as no agreement has been made on where to draw more than 75 percent of the border, the registration of voters has not yet been prepared, nor has any official information material been printed (status as of August 2010). Nevertheless the initial situation is somewhat more favourable, as the human resources and structures created for the elections in April 2010 can be made use of. At present it would appear that the preparations will be deficient, but not to the extent that the execution of the referendum will be seriously put in doubt.

### Secession – who is in favour, who is not?

A large number of Southern Sudanese will without a doubt vote in favour of independence, maybe even the majority. This is being encouraged by the SPLM, which although in its capacity as government is voicing the rhetoric of »respect the vote of the people«, is nevertheless working as a party in favour of secession. There are

1. Machakos Protocol, 2002 (Chapter I of CPA), 1.3.

2. Southern Sudan Referendum Act, 2009, § 25.

3. Southern Sudan Referendum Act, 2009, § 41.

4. Abyei Protocol, 2004 (chapter IV of CPA), 1.3.

also racist positions in the Northern Sudan, which would prefer to dispense with Sudanese diversity.

There are also a host of groups, however, which have a critical stance towards independence. These are primarily groups of the population living in the *transitional areas* of South Kordofan and Blue Nile. While Abyei will also be voting on whether it is to belong to the Northern or Southern Sudan, the CPA provides for vaguely formulated consultations for South Kordofan and Blue Nile: demands for these regions to vote on self-determination in a referendum were not satisfied in the CPA negotiations.<sup>5</sup> This remains deeply humiliating to those who fought on the side of the SPLM against the North in the second civil war, who are now not being allowed to determine their own destiny. But this is only one element in the general frustration over the fact that since the CPA the SPLM/A is only concerned with Juba and has discarded its previous solidarity with other peoples. Upper Nile is dominated by the Shilluk ethnic group, which is against the Dinka dominance of the SPLM/A and is for this reason critical of everything which strengthens the SPLM. Criticism is widely voiced of the SPLA in Western Equatorial State as well: the raids by the Lord Resistance Army are particularly salient there due to the absence of a state monopoly over the means of violence. It is at least conceivable that people will protest against the SPLM here by voting for the status quo. Southerners who live in the North of the country will probably vote for independence as a result of their identity, although their interests would no doubt be better served in a confederation. Elements of the Northern Sudanese democratic movement may not have completely given up their hope that the SPLM will work for more democratic reforms and human rights. Although according to its own statements the SPLM is preparing to set up an affiliated party, SPLM North, what role it is to play after possible independence remains unresolved. A single opposition party in the South (SANU) was canvassing for unity, but then did an about-face in the face of political pressure. SPLM Democratic Change, which split off from the mother party led by the previous Foreign Minister

5. The question as to why Abyei was pledged self-determination and South Kordofan and Blue Nile were not can probably be explained by the fact the US negotiator Danforth was strongly advocating for the acceptance of the Abyei Protocol during the peace negotiations, whereas the protocol on South Kordofan and Blue Nile resulted from negotiations between SPLM and NCP in which all parties were needed for a compromise to be achieved. S. Böckenförde, Markus, *The Abyei Award*, in: *Leiden Journal International of Law* 23, 2010, S. 558.

Lam Akol in September 2009, may well want to use the referendum in order to weaken the SPLM.

## An independent Southern Sudan: acceptable to the North?

The fact that the referendum is stipulated in the first protocol which was signed by the NCP and SPLM/A is an indication of its political importance. The acceptance of the referendum is the scarlet thread in the national policy of the SPLM following the signing of the CPA: aware that it needed the NCP to obtain approval for the referendum at the end of the transition process, the SPLM avoided any serious confrontation aside from the usual rhetoric. The implicit agreement that the North will not interfere in the affairs of the South and vice versa explains some of the political manoeuvring over the past six years. A particularly salient example of this at present is the withdrawal of Yassir Arman as presidential candidate, who over the course of the election presented a serious alternative to Bashir, which prompted the SPLM to stage a boycott campaign by having Arman withdraw his candidacy three days before the elections. The final objective in the years of uncomfortable partnership has now come tantalizingly close to realisation. For the SPLM it will now be seen whether the cooperation of the past years will pay off. In view of the importance of the referendum as the backbone of the political legitimation of the SPLM, disruption or even blockage of the referendum by the NCP would be fatal. It must be seriously doubted whether the SPLM would then be willing or able to keep its unruly troops and splitter groups under control. If the South does not get »its referendum«, this would be reason enough to rekindle the war between North and South. Who would be militarily superior requires analysis: both armies have been rearming since the end of the war. But while the North is able to legitimately procure weapons (as long as it does not use them in Darfur), the South is subject to a weapons embargo under the CPA as a »cease-fire territory« – an embargo which it on the other hand is able to circumvent.<sup>6</sup>

But can the North accept secession in the first place? One reason suggesting it would not is that this would mean the loss of access to oil reserves, fertile land and

6. Lewis, Mike, *Skirting the Law*, *Small Arms Survey*, 2009, S. 19 and <http://www.alertnet.org/thenews/newsdesk/LDE625005.htm>.

a considerable part of the Nile's water in the South. Moreover, the curtailment of national sovereignty in and of itself would appear to contradict the interests of an authoritarian state (e.g. could it have a domino effect on Darfur?). Some analysts also argue that the North wants to secure the South as a transit area for efforts to islamise sub-Saharan Africa. And does not the support of the SPLM splinter groups by the North suggest that it would like to prevent the referendum?<sup>7</sup>

On the other hand, there are complementary interests which could under some circumstances offer a basis for negotiations: the Southern Sudan is already officially »semi-autonomous« even before the referendum. What holds the country together in de facto terms is the oil, the currency (central bank) and the salaries of public employees. Thus far Khartoum has not made any major government investments in the South nor has it, for example, initiated national development programmes or school curricula which would link North and South more closely together. It was only in the early summer of 2010 that the government pledged development programmes for the South – too late to convince the Southern Sudanese. If the North has not attended to the South in the past, why should it all of a sudden do so in the future? And thereby risk war breaking out again? The same argument applies to the islamification efforts: if these exist, then they are on a modest scale. Which would mean that Southern Sudan, independent or not, would not pose any danger. A possible islamification of southern Africa is without a doubt being promoted more by guest workers returning from the Gulf States than it is from wandering clerics from the Sudan. At present the South is only able to export oil through the pipeline to Port Sudan. Here the South will be dependent upon the North at least as long as no alternative route is built. Nor is there any clear evidence for the argument that the NCP is supporting SPLM splinter groups in order to prevent the referendum: is the North undermining the SPLM in order to prevent the referendum, or does it generally take advantage of every opportunity which offers itself to weaken its southern neighbour – whether it is independent or not?

If one compares the current situation with that in other independent neighbouring states which have agreed on

preferential treatment such as no visa requirements, no customs duties, etc., the difference between the status quo and a possibly independent Southern Sudan with friendly relations to the North would be less significant.

## Holding of the referendum: Experience from the elections

The fact that the international community of states recognised the results of the national elections held in April 2010 even though it was determined that they did not conform with general standards clearly shows the importance of these elections: they were a preliminary step along the road to the referendum and were supposed to avoid impeding it in any way. Learning from the experience gained from the elections in the holding of the referendum would appear only logical: while the community of states is more concerned with the logistics and voters education, it is above all the political constellations from which one should learn. The result will be that which is politically desired by both governments. There will be scattered local power plays in which the referendum is used as a vehicle in order to spark local or internal party conflicts. This form of violence appears to be much more likely than a central mobilisation by the SPLA and SAF like during the times of the civil war.

## The result: will it be accepted?

What impact the outcome of the referendum has will depend on whether it is accepted by both parties (possibly before the voting). If this is not the case, there will be long-term disturbances, disorders or even war. On the other hand, experience with the CPA and the elections shows that agreements between the NCP and SPLM can prevent violence on a large scale. The political goal must therefore be to achieve acceptance of the results with both leaderships. A tried-and-proven and thus for the Sudan typical approach would be to conduct (pre)negotiations and arrive at a tacit agreement beforehand. The Memorandum of Understanding signed by both partners in June 2010 and the meetings which took place thereafter must in this connection be assessed as positive. Anyone who has been observing the Sudan for a while always has in the back of his or her mind that any agreement, any paper becomes irrelevant as soon as

7. There are thus strong indications of support by Lam Akol (SPLM-DC) and the rebel General Georg Athor in Jonglei State.

weightier interests come into play. Thus it is plain to see in the implementation of the CPA what elements were important to the partners and have been implemented and what not. Acceptance by the NCP and SPLM is after all the precondition for recognition of the referendum by the international community of states. In the effort to keep the peace (or prevent worse from happening) the elections have shown that merely a formal election act is necessary in order to recognise elections or referendums. The quality of the elections is less relevant.

At the international level, Egypt is clearly the country which is working most actively to preserve the unity of the Sudan – much more, for example, than the Northern Sudan – which is highly welcome to the Southern Sudanese, who are very eager to build their own international network, independent from Khartoum. The massive commitment of the U.S. in the South is also out of all proportion to the ability of the country to absorb it<sup>8</sup> or its economic usefulness. Here the U.S. is manifesting its strategic interests in actions and not in political rhetoric. Although Libya has publicly spoken out in favour of unity, this has been couched in moderate tones by Libyan standards. The African Union<sup>9</sup> and other states have not adopted any official position and are saying that they will »respect of the choice of the people«. Even China and Malaysia, which in the case of independence would have to expect their oil concessions to be up for renegotiation – which could turn out to be costly to them and at any rate would make business more unstable – are conducting themselves diplomatically. In the current situation, this wait-and-see attitude or activity behind closed doors can be assessed as positive: the last thing which the Sudan needs in this tense situation is political agitators from outside. Thus far there is nothing to suggest that an independent Southern Sudan would not be recognised internationally – a completely different situation in comparison to the (unilateral) declaration of independence by Kosovo.<sup>10</sup> Although this option is voiced in the political rhetoric of radical repre-

sentatives of the South, actors at the international level repeatedly emphasise that a unilateral declaration of independence would make international recognition of the South much more difficult. If Khartoum departs from its current willingness to negotiate and thus backs out of the CPA, the international community of states would have sufficient arguments to nevertheless recognise the Southern Sudan.

### Supposing the result is accepted: what direct consequences would this have?

In the event of independence:

Practical problems will have to be solved such as providing people with passports and a currency in Southern Sudan. Border arrangements between the North and South will have to be found which define the border region as a »transitional area« (e.g. transit of nomads). Border controls must be established. Furthermore, oil exports and agreements with international consortiums which exploit oil in the South will have to be arranged. The existing agreements were negotiated by Khartoum and it is not yet clear whether a sovereign Southern Sudanese government will uphold them.<sup>11</sup> Of all the issues, the specification of the status of Southerners living in the North is the most sensitive and the one associated with the greatest anxieties. Many Southerners who are living in the North fear that they will be considered foreigners following the referendum and/or forced to go to the South. On the other hand, there have already been cases in which Northern Sudanese automatically assumed that Southerners would »return« (many were born in the North) to the South after independence – and for example speculate on their land. The problem can be solved if there is the political will to keep the social peace and make possible independence as peaceful as possible.<sup>12</sup> If this will is not present or if local forces want to take advantage of these tensions to promote their own interests, the whole thing will become a powder keg which can explode at any time.

8. A programme promoting agriculture worth \$ 55 million was started in May 2010. <http://www.sudantribune.com/spip.php?article35110>; the U.S. development agency USAID spent a total of \$ 1,104.4 million in 2009, most of it on projects in the South and transitional areas [http://www.usaid.gov/locations/sub-saharan\\_africa/countries/sudan/docs/jul10\\_monthly\\_update.pdf](http://www.usaid.gov/locations/sub-saharan_africa/countries/sudan/docs/jul10_monthly_update.pdf).

9. The final document produced by the summit in Kampala (July 2010): »... pledged full support to the Sudanese parties and its commitment to respect the outcome of the referendum.«

10. The unilateral declaration of independence of Kosovo by Serbia was declared to be lawful by the International Court of the Hague on 22nd July 2010. Serbia does not recognise the ruling.

11. The Referendum Act identifies the »post-referendum substantive issues« which the two CPA parties will have to agree on in the event of independence: nationality, currency, public service, joint integrated units/national security-intelligence, international agreements, schools, oil, water, tenure and ownership and everything else which the parties deem to be important. (§ 67)

12. A special status could be specified, ID cards and passports issued free of charge, etc.

There is a concern that a possible independence of the South could further the spread of radical Islam in the North. This concern assumes that the South still has an influence of some kind or another on the North (which would cease with independence). This influence does not, nor did it ever, exist. For this reason the spread of radical Islam depends on other factors, not the referendum. Or what would happen if the CPA ceased to provide a democratic reference framework after »successful implementation«? Will this not open the door wide open to authoritarianism? This thesis also ascribes more power than the CPA ever had. The CPA has brought the Sudan peace over the medium term, but no democracy. Democratic transition in the North depends much more on other factors than it does on the Peace Agreement. The attention of the international community of states might even play a greater role than the CPA. Even if the regime presents itself to the outside world as if it did not care about the opinion of the international community of states (see the indictment of the President by the International Criminal Court), this cannot always be upheld. The government, for instance, caved in to pressure from China with respect to the composition of the UNAMID troops and it relaxed censorship of the press before the elections (only to tighten it again afterwards). Disinterest on the part of the international community of states in the Northern Sudan plays into the hands of Islamic forces. It is here that Arab-Muslim actors are particularly needed who do not have any interest in a radical-Islamic Sudan (either) and are following current developments with concern – such as the Arab League, for example. The latter should play a much greater diplomatic role in the future.

It furthermore remains to be seen how the SPLM North will behave and how seriously it will present itself as a political alternative to the NCP and the established opposition parties. A new impetus could come from it under the leadership of Yassir Arman. The governors who have now been elected for the first time could also develop into a stronger counterweight to Khartoum – but this has to be monitored. In economic terms, independence will strengthen the existing trend of declining oil revenue (through lower prices, but also lower production) over the medium term.

In view of the many unresolved issues, which can scarcely be solved before the referendum – be it due to time constraints or for political reasons – it must be assumed

that transitional periods will be agreed upon. This is a good idea in and of itself. If one views the six years transitional period of the CPA, for example, it would appear that many issues which needed to be resolved have not been addressed over this period. What should justify the hope that this will be done now? These unresolved questions – for instance the centre-periphery relationship, sustainable economic development strategies, how to deal with non-Muslims in the North, demilitarisation in the South, tribalism – will accompany the Sudan in the coming years and prevent it from becoming a stable democratic state which can develop economically.

Will other Sudanese regions want to follow the Southern Sudan and also seek independence? Thus far there have not been any serious indications of such intentions – not even in the region where this could most be expected: Darfur.

At the regional level it would appear that independence will mean an additional state bordering on the Nile. Egypt is urging that unity be maintained for this reason. The conflict over the water of the Nile is (geo)political. The probability that the existing conflicts will develop into open warfare over water is unlikely. This is, rather, more of a long-term, low-intensity conflict which, managed by the states bordering on the Nile, is being used tactically and strategically – although there is no interest in an escalation. Nevertheless, regional coordination of the use of Nile water is economically and ecologically essential (e.g. should dams be built more in the Ethiopian highlands than in the Sudanese desert, where most of the water evaporates?). An independent Southern Sudan will play a less important role over the medium term: further developed and more industrialised countries such as Kenya, Uganda and Ethiopia will continue to dominate the debate in the next few years with Egypt and North Sudan.<sup>13</sup>

At some point the question will also be raised as to the autonomous membership of the Southern Sudan in international/regional organisations. How smoothly this occurs (and whether for example the Northern Sudan is cooperative or acts to frustrate it) will depend on process at the national level. If both parties agree here, no serious opposition is to be expected at this level, either.

13. See on this Cascao, Anna, Changing power relations in the Nile River Basin, in Water Alternatives Vol 2, 2009, Bricherie-Colombi, Stephen, The world Water Crisis, 2009.



In the event of unity:

What will happen in the event that a majority of the country votes in favour of unity? First of all it must be said that a discussion of this possibility is completely lacking: either the debate is concentrating on so-called post-2011 issues and the technical implementation of the referendum or there there are last-minute propaganda campaigns »to make unity attractive« – the completely overused slogan of the CPA which has never been spelled out.

The CPA and the Referendum Act have similar definitions of unity: »... to confirm the unity of the Sudan by voting to adopt the system of government established under the peace agreement...«<sup>14</sup> and »... Confirmation of the unity of the Sudan by sustaining the form of government established by the CPA and the Constitution...«<sup>15</sup>. Thus all the human rights and democratic achievements of the CPA have been spelled out at least in legal terms: the Interim Constitution will also continue to provide the foundations for the Sudanese state. The INC will then have to be replaced by a permanent constitution, within the framework of which the structure of the state can be laid down. Federal or confederative structures could be specified in this process as could a special status for certain regions. If political forces so desire, this could turn into a reform process.

### Is there a »right« or »wrong«?

Viewed from the outside, independence might not appear to be the »most rational« solution: a completely underdeveloped Southern Sudan puts itself in the uncomfortable situation of a land-locked country, while the North loses fertile soils, oil and direct access to sub-Saharan Africa, the marriage of convenience which the CPA brought about between the SPLM and NCP will be dissolved and thus a – not always popular – formal framework created to ensure a certain stability along the lines of clear power constellations. Nevertheless, one can predict that the majority of Southerners will vote for independence even without propaganda or loyalty to the

party.<sup>16</sup> The referendum was at the undisputed nexus of Southern Sudanese policy for too long, this aim was pursued too purposefully, without analysing the consequences (hence allowing doubt to arise), the options of unity are discussed too little and not presented as true alternatives, while distrust of the »Arabs in the North«, which has grown over a period of decades, is too great.

### Not North, not South: the future of the transitional areas

The three »transitional areas« designate the Federal states of South Kordofan and Blue Nile as well as Abyei, a region which used to be part of West Kordofan and has been assigned a special status through the CPA. All three regions belong to and have in the past belonged to the North. But just like in most border regions, ethnic and family transitions are fluid, with this being further enhanced by the nomadic tribes which migrate with the rainy period, and not along national borders. While these regions fought on the side of the Northern Sudanese army during the civil war, they moved to the SPLA in the second civil war. They shared the experience of marginalisation and subjugation from Khartoum and with its help it finally had the military potency to back up their demands. In the peace negotiations in Naivasha, the interests of these troops also had to be respected. As a result, it appears that Abyei has achieved this more than South Kordofan or Blue Nile. At the same time as the referendum of the Southern Sudanese, the inhabitants of Abyei voted on whether they wanted to maintain the status quo or become part of the (southern) Federal state of Bahr el Ghazal – independently of the result of the referendum of the Southern Sudanese: »That Abyei retain its special administrative status in the north; that Abyei be part of Bahr el Ghazal.«<sup>17</sup>

A respective survey (»popular consultation«) is to be held among the population of South Kordofan/Nuba Mountains and Blue Nile. The survey is intended to determine the opinion of the population on the CPA and its solution mechanisms to the problems faced in the two regions. The commissions to be established are supposed

14. Southern Sudan Referendum Act 2009, Chapter 2, § 6.

15. NDI, *Imagining the Elections: A Look at what citizens know and expect from Sudan's 2010 vote*, pp. 64-65. This is the only opinion survey (along the lines of focus groups in the South) which has been conducted.

16. The resolution of the Abyei conflict, 2004 (chapter IV of CPA), §1.3. To date the NCP and SPLM have not been able to agree on the make-up of the referendum commission (as of 1 August 2009).

17. Regulation of Popular Consultation to South Kordofan and Blue Nile – States Bill, 2009 § 5.

to identify gaps and filter out demands. This report is to be submitted to the Presidency for its consideration.<sup>18</sup> In South Kordofan there is an additional problem in that the elections at the level of the Federal states (governor, parliament) have been postponed as a result of irregularities and will probably only be held after the referendum. An elected parliament is the prerequisite for the Popular Consultation Commission, which is to be recruited from elected members of parliament. This separation in the time of the referendum and popular consultation could be positive in the sense that they will be conducted as two independent processes, which they are in de facto terms.

The potential for conflict stems from the fact that Blue Nile and South Kordofan just like Abyei and the South have fought for self-determination, but have only been promised a vaguely defined, non-binding popular consultation. This is no doubt more inclusion than these regions ever experienced in the past, but in view of all the issues on the negotiating table it is a frustrating result. This situation holds out the potential for massive conflict: will the population of Blue Nile and South Kordofan follow the rules of the game set out by the NCP and SPLM or will it break out and demand the same right as its former comrades in arms? An important indicator in South Kordofan will probably be the post-elections, which may only take place after the referendum: what will be the outcome of the elections, will they be accepted, who will be elected governor? It is remarkable that no demand for »independence« has been forwarded (yet) – which means there is as yet no evidence of the feared domino effect.

In view of the worldwide attention which is being devoted to the referendum, there is a legitimate concern that the proper execution of the popular consultations will be forgotten.<sup>19</sup> In order to avoid the popular consultations degenerating into an administrative act without any consequences, which would even strengthen the dissatisfaction of both regions, the room for interpretation which is left by the popular consultation will have to be used to the maximum. The vagueness also results from the latitude of actually having the population take part in a sort of »evaluation« and specific improvements

can emanate from the process depending upon how serious and strong-willed the future governor is.

## What does the future of UNMIS look like?

The mandate of UNMIS is first of all to support the implementation of the CPA. Secondly the mission is supporting the return of refugees, the disarming and removal of mines and the protection of human rights.<sup>20</sup> Present in the country since 2005, the mission is limited to the interim period (prolonged at present until 30<sup>th</sup> April 2011). With the expiry of the CPA, which in the case of independence would be directly after the referendum, and if unity prevails on the 9<sup>th</sup> July 2011<sup>21</sup>, the entire raison d'être of UNMIS will cease. The broad commitment of UNMIS in the South and the expansion of the UN compound in Juba suggest that UNMIS will continue to play a strong role, at least in the South. This would have to be legitimised by a new UN resolution if this is so desired by the political leadership in the Sudan. The NCP and SPLM have not officially specified what role they expect from UNMIS, however.<sup>22</sup> Looking at internal political interests, it appears unlikely that in the event of independence the Northern Sudanese government will invite the UN to another mission. Needs and openness to cooperation are no doubt greater in the South, but the principle of a »peace mission« will then have to be redefined. This would no longer mean a limited period of peace-keeping, but rather long-term state-building (e.g. of a police force) development aid. A reassignment of more UN soldiers to the North-South border in an internationally controlled buffer zone would appear to be warranted and is not unlikely. That is where open conflicts are most likely to occur.

18. See inter alia UNMIS, Report to the Secretary General on the UN Mission in Sudan, 5.4.2010 (S2010/168), § 31.

19. Resolution of the Security Council 1590 (2005).

20. Machakos Protokoll 2.5., compare p. 1: The options on ballot in the referendum are either »unity and CPA« OR »secession«, i.e. whoever votes in favour of secession votes against the complete implementation of the CPA. Whoever votes for "unity" votes for the full implementation of the CPA (six months pre-interim and six years interim phase). The continuance of the UNMIS is just as little part of the political agenda now as is the continuation of the CPA.

21. Renewing the Pledge: Re-engaging the Guarantors to the CPA, issued by Crisisaction, p. 7.

22. Here it should be noted that the first kidnappings in Darfur took place directly after the announcement of the warrant for the arrest of O. Bashir by the ICC and have been steadily on the rise ever since. Before this kind of »kidnapping industry« did not exist in Darfur.

## Darfur: No news is bad news

In the negotiations over the CPA, the Darfur conflict was (deliberately) left out. It thus does not play any formal role in the preparation of the referendum. The attention of all national and international actors is focused on 9<sup>th</sup> January 2011, while the peace negotiations in Doha have been halted. The toughness of negotiations and the improbability of getting all the parties to the conflict to sit down at the same table have moved the possibility of a peace agreement to the distant future. At present an agreement with one rebel faction is the most that could be attained – a situation which is familiar from the Darfur Peace Agreement concluded in Abuja as far back in 2006, which was of no consequence for peace in Darfur whatsoever. Another partial peace agreement has to be avoided, it would be better if the Doha negotiations did not produce any results. This at least reflects in a realistic manner the dead-end at which efforts to obtain a solution have arrived. A comprehensive peace treaty appears to be improbable over the medium term. More likely is a military deadlock in which the two sides are convinced that no resolution can be obtained by military means. The situation in the Southern Sudan was similar before the negotiations. In Darfur there are in the meantime a large number of rebel groups involved whose political interests and demands remain very general and which are in dispute with each other over which of them has a claim to represent the interests of the Darfuris. They still have not developed any political wing at present (which would be similar to the SPLM, the political arm of the SPLA). Although the relevant groups are currently jockeying for position in the Doha negotiations, the political agenda appears to be taking back seat to the military one and not vice versa. A wearisome war of attrition appears to be a more realistic scenario at present than a defined end to the conflict, for instance through a ceasefire which both sides stick to. While the negotiators in Doha try to win over the rebel leaders, the criminalisation of the conflict continues apace. This development has a much greater impact on the population and aid organisations in the region than fighting between the strongest military group at present, the Justice and Equality Movement (JEM), and the Sudan Armed Forces (SAF), which is taking place in a specified region (and which can thus be avoided). Whether the lack of any state power in Darfur is desired or whether the government is not capable of putting a stop to corruption, theft

and kidnapping is a moot point.<sup>23</sup> The fact of the matter is that Darfur is more and more becoming a lawless area – a development which UNAMID is also unable to do anything about.<sup>24</sup> Particularly worrisome is the fact that most of the UNAMID casualties have come from attacks in the performance of their task – protecting civilians. It needs to be analysed whether the weaknesses of UNAMID is due to the poor equipment and possibly poor training and motivation, as some observers argue, or whether the conditions underlying the mission in Darfur (no functioning peace agreement, more criminal activity than warfare) prevent any success from being achieved. If the latter is the case, a withdrawal from Darfur should be openly considered in a self-critical way.

The SPLM has become more visible as a possible mediator in the Darfur conflict over the past weeks, an option which is adamantly rejected by the NCP. If independence comes about, the SPLM will have to pay less heed to such a rejection and could possibly present itself as an additional international mediator which is fairly well positioned as a result of its past experience as a movement and its access to the NCP.

## What role can Germany play in this process?

At this point in time it does not appear to make much sense to appoint a special German envoy to actively take part in the (pre)negotiations. This is firmly in the hands of the American special envoy Gration and new additional mediators would scarcely have any time to gain access to the various actors and establish the trust and confidence which is needed to truly have any influence on negotiations and preparations. In this connection it is extraordinarily regrettable that the EU's special envoy, Thorben Brylle, is switching his post at this strategically decisive point in time. However, a coordinator post within the German government appears to make sense, in order to coordinate the various ministries' policies towards the Sudan. An active involvement in (peace) negotiations greatly depends on the situation and this

23. UNAMID officially lists 66 victims. The attack on the camp in Haskanita in 2007, in which twelve soldiers were killed, is currently being tried before the International Criminal Court. <http://www.icc-cpi.int/NR/rdonlyres/0580DFAB-9F64-4F09-B59A-A98F2A62B228/282216/Abu-GardaEng.pdf>

24. The appointment of Dame Rosalind Marsden, who was the ambassador of Great Britain to the Sudan until May 2010, appears to be the wisest solution in this situation, as she is able to make direct use of her contacts there.

access. If other persons are better positioned such as in the case of the Sudan, it would be counterproductive to create an additional negotiating front. If the analysis turns out to be positive, there is no reason why Germany or the EU could not play a more active role. But for this it would have been necessary to get internationally involved much earlier in the case of the Sudan and thus adopt a position as well.

Germany has demonstrated that it is interested in a long-term (development) policy commitment. The resumption of active contacts, as manifested in particular by the 2009 visit of Gernot Erler, state minister at the time, were very positively received by the Sudanese. This type of political dialogue at the level of government representatives and members of parliament is important to achieve a common understanding and also prepares the way for a critical partnership.

Even if the political role of UNMIS appears somewhat weak, the mission still plays an important role in the development of the country. Germany is making a commitment within the UNMIS framework by helping set up a police force. This can be further expanded. In the design of the police training programme, the strategy of a strict separation between the police and the army (SPLA) should be reconsidered: from the German perspective this is understandable, but from the Sudanese one difficult to implement. More pressure needs to be applied to the government at the international level in order to specify the future role of UNMIS. The UNAMID mission should be analysed very critically by the Bundestag and German government.

One gap in the preparation of the referendum is to be found in the voters education in the North. Germany could make a contribution here by carrying out, for example, a community consultation in which first of all the inhabitants are informed about the framework of the referendum, but above all are provided a platform where they can express their concerns, with this then serving as feedback for decision-makers. Similar approaches are also advisable in the popular consultations. With regard to development cooperation, it can be said in general that, while the structures in the South lack the capacities to absorb large-scale programmes, the North is out in the cold in terms of development policy. German organisations which are active in the North, such as the German Development Service (DED), the German Red Cross, Welthungerhilfe, but also the only political foundation present in the Sudan, the Friedrich Ebert Foundation, have shown how development can be effectively promoted without working counter to official government structures, but also without explicitly supporting them. These approaches should be analysed more carefully and expanded.

The commitment of the private sector is particularly weak. Here the focus should be on low-scale investments, which are labour-intensive and environment-friendly and produce environmentally-friendly products. As a result of the lack of industrialisation in the Southern Sudan, but also in much of the Northern Sudan, potential is to be found here in the form of fertile soils and traditional farming methods. This can serve as a basis and the German government could create incentives for such investments here.



## The Somali Tragedy

Annette Weber

### An overview

As recently as January 2009 Somalia could look to the future with a certain optimism. Many things which had been neglected in previous years seemed to function all of a sudden: the involvement of key persons from the United Islamic Courts as well as the withdrawal of the Ethiopian army gave rise to hope that an inclusive, legitimised government could begin functioning in Mogadishu. One year later, however, an assessment of the situation is more desolate than perhaps ever before. Southern Somalia is in one of the most destructive phases of the last twenty years.

Much of the country is controlled by a *jihadist* and increasingly radicalised al-Shabaab militia, which not only terrorises the Somali population, but also constitutes a serious regional threat, as demonstrated by the attacks staged on 11<sup>th</sup> July 2010 (on the evening of the World Cup final) in Kampala or in the capital of Somaliland, Hargeisa (October 2008). The Transitional Federal Government (TFG) under Sheikh Sharif Ahmed is politically speaking at the end of the rope and militarily unable to control much more than a few streets in Mogadishu. And it is only able to do this because the mission of the African Union protects the transitional government and controls access to the port and the airport.

One element which most armed actors in Somalia share at present is their apparent disinterest in peace. With a total of 8.5 million inhabitants, Somalia is dependent on food aid for almost half its population. Their interest in an end to the fighting, survival and the reconstruction of a health and education infrastructure is for the most part ignored by armed groups.

The de facto partition of the country into three parts with Somaliland as a semi-stable state, Puntland as a weak state and Southern Somalia as a failed, stateless entity has been confirmed by the destruction in Southern Somalia.

The mode of operation of external actors is also marked by actionism interchanging with neglect. No coherent strategy on how to deal with this structure of a country with three different entities is evident to date.

### Crises and barriers

Southern Somalia represents a conglomerate of crises at several levels. In addition to the civil war between the Transitional Federal Government (TFG) and AU mission (AMISOM) on the one side and on the other various *jihadist* militias, which are once again fighting against each other for territorial control and power, the humanitarian disaster, the political capitulation, the manifest crisis of society, disintegration of the state and the economic precariousness make up the cornerstones of the Somali tragedy. On top of this is the international trauma experienced by the U.S. and the United Nations in the failure of their humanitarian intervention in 1993. The one-sided focus on piracy and the protection of international trade routes by the international community and, in connection with the ongoing war, the lack of prospects and militarization of the young population are all detrimental to stabilisation. Against this background, the ideological struggle over the »true« Islam, which has dominated the political discussion at least since the beginning of 2009 – if not to say for many years now – has taken on a major dynamic. As the attacks of the al-Shabaab militia have shown, *jihadist* groupings, who have al-Qaida cadres fighting in their ranks, pose a threat far beyond the borders of Somalia.

### Conflicts

The three regions of Somalia, the de facto independent, but internationally unrecognised Somaliland, the partly autonomous Puntland and Southern Somalia, exhibit three – virtually independent – lines of conflict. Least affected by conflicts is Somaliland. After two years of delays, elections took place on 26<sup>th</sup> June 2010. The opposition achieved just over 50 percent of the votes, with democratic change taking place almost on the sidelines in the midst of the chaos in Somalia. The new president, Ahmed Silanyo, Secretary General of the Kulmiye Party (»the Unity«), is seen as a positive factor internationally. However his expectation that the former British colony of Somaliland will now receive international recognition as an independent state might not hold out much prospect of success in the near future. The African Union (AU), which would be expected to signal their consent to such, will doubtless not support an additional independ-

ence project on the Horn of Africa following the possible secession of the Southern Sudan after the referendum in January 2011. The risk is too great that this would trigger a wave of demands for independence (from Ogaden to Northern Nigeria). Domestically there will be the challenge to solve the conflict in the Sool and Sanaag region, an area between Somaliland and Puntland which both governments claim. Although they de jure belong to Somaliland, the population in the region did not take part in the elections in June 2010. Reports on armed struggles between the Somaliland army and the Sool/Sanaag combatants and Cayn rebels (SCC), who are resisting the efforts of Somaliland to achieve independence and are accused of cooperating with al-Shabaab, are as alarming as the interests of the Australian energy company *Range Resources* in the exploitation of the natural resources of this region. *Range Resources* received oil and gas concessions in Puntland as well as Sool and Sanaag in 2005.<sup>25</sup> The dispute between Puntland and Somaliland over the border region of Sool and Sanaag, which although formally part of Somaliland, is primarily inhabited by Harti sub-clans (Warsangeli and Dulbuhante), which are more closely linked to Puntland, will be escalated by active resource exploitation benefiting only one region and thereby polarizing the border-population even further. Puntland fears the spread of pro-secessionist positions and the takeover of the region by Somaliland through the growing influence of the Somaliland government and their dominance by the Isaaq.<sup>26</sup> While Somaliland has been working for recognition as a state since its declaration of independence following the toppling of Siad Barrés in 1991, Puntland, which declared itself a partly autonomous republic in 1997, is interested in staying united with Somalia. Because above all the Darod (a Harti sub-tribe) live in Puntland, accounting for roughly 30 percent of the population in South Somalia, therefore providing a strong link between Southern Somalia and Puntland.

On top of the border dispute with Puntland, Somaliland also faces the growing danger posed by Islamic and *ji-hadist* groups, primarily from Southern Somalia. Thus leading al-Shabaab members such as Ahmed Abdi Godane originate from Somaliland and are suspected of having organised the suicide attacks on political facilities

25. On this see the website of Range Resources: <http://www.rangeresources.com.au/Puntland.24.0.html> (viewed on 14th July 2010).

26. See Berouk Mesfin. The Political Development of Somaliland and its Conflict with Puntland. ISS Paper No. 20, September 2009. p. 10

in Somaliland in October 2008.<sup>27</sup> Somaliland is also affected by piracy – although much less so than Puntland – and is attempting to act as a mediator between the interests of domestic fishers and the international community.

In comparison with the situation in Southern Somalia, Puntland is significantly more stable, although piracy and raids by the al-Shabaab militia are creating instability in this region. Especially the example of piracy shows how little the government has penetrated society and the territory. While anti-corruption policy and the policy towards piracy are being negotiated with the EU in Garowe, the capital of Puntland, in exchange for the EU training police and the coast guard, the inhabitants of the coastal towns of Eyl and Haradere, strongholds of the pirates, are by no means bound to these arrangements.<sup>28</sup> Not only the pirates themselves, who earn considerable sums and build houses with ransom money, make their living below the radar of any state control. The pirates however prefer to invest their money in real estate in Kenya and Somalia rather than help the region develop by contributing to infrastructural projects – the Puntland administration in the pirate villages earns much more from levies on pirates (approximately 15 percent of the profit) than if they fought against corruption and worked for the state. Abdirahman Mohammed Farole was elected president of the region and its 2.5 million inhabitants at the beginning of 2009. In addition to the ties between the former Somali (and Puntland) President Abdullahi Yussuf and the Yemenite President Abdullahi Saleh,<sup>29</sup> Puntland is above all closely linked to Yemen through smuggling routes and the networking of al-Qaida cadres.

Unquestionably the most destructive conflicts are to be found in Southern Somalia. Since the regime of Siad

27. See: Andrew McGregor. Who is Who in the Somali Insurgency: A reference Guide. Jamestown Paper, September 2009. [http://www.jamestown.org/programs/books/single/?tx\\_ttnews\[backPid\]=7&tx\\_ttnews\[tt\\_news\]=35560&cHash=93e7d13937](http://www.jamestown.org/programs/books/single/?tx_ttnews[backPid]=7&tx_ttnews[tt_news]=35560&cHash=93e7d13937)

28. EU support for the Puntland government in combating corruption and the training of the coast guard. In addition see: European Commission, Somalia Fact Sheet, Bruxelles, April 2009. [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/sede/dv/sede030909assistancesomalia/\\_sede030909assistancesomalia\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede030909assistancesomalia/_sede030909assistancesomalia_en.pdf).

29. The sons of the two presidents are suspected of operating various fishing fleets in the Gulf of Aden under the protection of the pirates. On this see George A. Copley, Media and Political Hysteria over Yemen hides a deeper strategic matrix over long-term importance, in: Cooply. Oilprice. Com, 19th January 2010. <http://oilprice.com/Geo-Politics/Middle-East/Media-and-Political-Hysteria-Over-Yemen-Hides-a-Deeper-Strategic-Matrix-of-Long-Term-Importance.html>.



Barré was toppled and the devastating clan wars of the 1990s, Southern Somalia has been caught up in its most destructive conflict yet since April of 2009. To sum it all up in grossly simplified terms, there are two groups of actors fighting against each other. On the one side are the troops of the Transitional Federal Government, the TFG, which at present consists of 5,000 to 10,000 men, trained by Ethiopia and the EU, who are fighting in Mogadishu.<sup>30</sup> The TFG is supported by the troops of the African Union Mission in Somalia (AMISOM) with approximately currently more than 6,000 soldiers, from Uganda and Burundi, whose mission was initially mandated for half a year by Security Council resolution 1744 in February 2007.<sup>31</sup> Fighting along side the TFG – in a quite shaky alliance – are armed combat units of the Sufi groups from Central Somalia, *Ahlu Sunna Wal Jama'a*.<sup>32</sup>

Opposing them are the combatants of the *jihadi* al-Shabaab militia, which arose out of the armed wing of the United Islamic Courts of Justice in 2007. Their numbers are estimated at several thousand. Among them are defectors from the TFG, who receive their pay from the Shabaab – pay which they do not receive from the transitional government, or only receive sporadically. The al-Shabaab militia also have foreign *jihadists* from Pakistan, the Sudan, Tanzania and Kenya in their ranks. Moreover, their numbers are being swelled by young Somali men from the Diaspora joining in the fight against the non-believers (TFG and AU) in the *jihad*. The attacks on several restaurants in Kampala in July 2010 once again showed that this group has become a threat to the entire region. As with the attacks on the graduates of a medical studies programme in Mogadishu in 2009 and the attacks on government facilities in Somaliland and Puntland (2008) as well as the attacks in London and Madrid, foreign *jihadists* or Somalis from the Diaspora were involved. The ties with members of al-Qaida East Africa, who were responsible for the bombing attacks

on the American embassies in Nairobi and Dar es Salaam (1998) and several targets in Mombassa (2002), are also tight and marked by a growing orientation of the Shabaab towards clerical leadership through al-Qaida. In response the support of al-Qaida for the Shabaab is also addressed in the communiqués from Osama bin Laden and Ayman al Zawahiri.<sup>33</sup> In addition to the al-Shabaab, the Hizb al-Islam is also a *jihadist* group which, however, under the leadership of Sheikh Dahir Aweyes has a national agenda and wants to limit the *jihad* to Somalia and the takeover of power there. All these fighting units, including the troops of the transitional government, are accused by the United Nations of recruiting children on a massive scale and misusing them for combat missions.<sup>34</sup> This not only violates international law – it also has a negative impact on societal development, as child soldiers are very difficult to reintegrate in society and constitute an ongoing potential for conflict in post-conflict societies as well.

Although al-Shabaab is considered to be militarily superior, it has not succeeded in taking Mogadishu. The military impasse has led to neither side showing any interest in peace negotiations. Instead they continue to hope for military victory. On the whole, no interest in peace negotiations, ceasefire-agreements or preparedness for negotiations between the opponents can be seen at present in South Somalia. The TFG, although plagued by internal quarrels and virtually only existing on paper, is still reluctant to engage in active talks with Hizb al-Islam and moderate representatives of al-Shabaab, while the insurgents are demanding as a precondition for the commencement of talks that the TFG no longer be recognised as the government and the UN mission withdrawn.<sup>35</sup>

30. Regarding the training mission of the EU for Somali security forces, see EU Council conclusions on Somalia Training Mission. Foreign Affairs Council Meeting, Brussels, 25, January 2010. [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/112525.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/112525.pdf).

31. The resolution of the Security Council with the mandate for the peace mission of AMISOM can be found at: <http://www.ustreas.gov/offices/enforcement/ofac/legal/unscrs/1744.pdf>.

32. After the signing of a provisional agreement with the TFG in February 2010, several members rejected the deal with the transitional government, accusing the signatories of being under Ethiopian influence and jeopardising the unity of Somalia as a result. See Ahlu Sunna members reject agreement with TFG. Garowe Online, 18, 3, 2010. [http://www.garoweonline.com/artman2/publish/Somalia\\_27/Somalia\\_Ahlu\\_Sunnah\\_members\\_reject\\_agreement\\_with\\_TFG.shtml](http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Ahlu_Sunnah_members_reject_agreement_with_TFG.shtml).

33. Regarding communication between al Shabaab and al Qaida, see: Osama bin Laden calling to join Al-Shabaab: Topple Somali Leader – bin Laden. BBC 19 March 2009. <http://news.bbc.co.uk/2/hi/africa/7952310.stm> und »To the Army of Difficulty in Somalia« – A Video Speech by Abu Yahya al-Libi from as-Sahab. March 25th, 2007. [http://www.longwar-journal.org/archives/2008/11/shabaab\\_leader\\_sanct.php](http://www.longwar-journal.org/archives/2008/11/shabaab_leader_sanct.php).

34. The report by the Secretary General of the United Nations on the situation of children in armed conflicts shows that even in the TFG more than 20 percent of the combatants are under eighteen. See A/64/742-S/2010/181. General Assembly, Security Council, 64th session, 13 April 2010. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/311/28/PDF/N1031128.pdf?OpenElement>.

35. Talks with representatives of Hizb al-Islam, (Sheikh Abdi Risaq Hassan) Berlin June 2010.

## Economics, trade and the fishing

The economy in Somalia is primarily based on trade with livestock. There are plantations in the Jubba Valley in the south of the country where sugar and bananas are cultivated for export. Yet trade in livestock makes up more than 80 percent of total Somali exports, but is highly dependent on restrictions by importing countries, especially Saudi Arabia, which has imposed bans on imports of Somali livestock several times over the last ten years.<sup>36</sup> 70 percent of the population of Somalia lives in rural areas, 55 percent of which are livestock holders and 24 percent cultivators, with only one percent living off of fishing.<sup>37</sup>

One of the new categories of conflict in Somalia is piracy which mainly affects the region of Puntland. It has less impact on the violent relationships within the country, and is, rather, more salient in the struggle between mostly Puntland pirates and the various military missions – whose mandate is to secure the trade routes and combat piracy.<sup>38</sup> Although the hypothesis that Somali pirates were driven to piracy through overfishing by foreign fishing fleets is too simple, it must nevertheless be taken into account that there are few opportunities to earn money in any of the three Somali regions and that international fishing fleets have drastically reduced stocks of fish off the coast of Somalia without any legal agreements with the Somali government.<sup>39</sup>

Basically the possibilities for earning money in Somalia can be summed up in three categories. Remittances from the Diaspora are by far the largest budget item accessible by individuals in Somalia. Next comes the breeding and sale of livestock and the cultivation of sesame

and bananas, which constituted the main source of income for a long period of time.<sup>40</sup> Piracy and smuggling are increasingly interesting trades, ranking much higher than working for the government or the sub-state administration.

The least opportunities are offered by government positions, be it in the administration, the police, as teacher or civil servant in the public service. Work in the health sector is usually performed either by foreign aid agencies or is financed by transfers from the Diaspora, which sends more than a billion U.S. dollars a year to Somalia.<sup>41</sup> That is twice as much money as the development aid budget for the entire country. The war economy is becoming increasingly profitable. Money extorted through piracy or kidnapping by militias in the countryside, the sale of weapons, but also earnings from roadblocks and privatized tax revenues are the best sources of income to be found in the country. Profits from human trafficking and smuggling are also far above the earnings potential of a fisherman or farmer.

## Resources and raw materials

Although Somalia has not been known much for its wealth of natural resources, Chevron, Shell, Agip, CONOCO and other oil and gas companies acquired concessions, especially in Puntland, in the 1980s and 1990s. Test drilling was carried out and a high potential for deposits forecasted, although no further extraction or even production of oil has ever taken place in Somalia.<sup>42</sup> The Australian oil and gas company Range<sup>43</sup> signed an agreement with the government of Puntland in 2005 in which Range acquired 50.01 percent of all concession rights.

36. A comprehensive analysis of the livestock trade in Somalia is offered in a 2004 report by the World Bank, FOA and the European Union. See: [http://siteresources.worldbank.org/SOMALIAEXTN/Resources/so\\_LS\\_final\\_rpt.pdf](http://siteresources.worldbank.org/SOMALIAEXTN/Resources/so_LS_final_rpt.pdf).

37. *ibid*: [http://siteresources.worldbank.org/SOMALIAEXTN/Resources/so\\_LS\\_final\\_rpt.pdf](http://siteresources.worldbank.org/SOMALIAEXTN/Resources/so_LS_final_rpt.pdf).

38. See Annette Weber. Die Marineoperation der EU im Golf von Aden (EU NAVFOR Atalanta): Vorbei am Problem – die Piraterie nimmt zu, die Ursachen bleiben, In: Die EU als strategischer Akteur in der Sicherheits- und Verteidigungspolitik? Eine systematische Bestandsaufnahme von ESVP-Missionen und -Operationen, SWP-Studie, (2009) <http://www.swp-berlin.org/forscher/forscherprofil.php?id=6731>, (called up on 15th June 2010). And Bettina Rudloff/Annette Weber. Somalia und der Golf von Aden, In: Piraterie und maritime Sicherheit. SWP-Studie, (2010) pp. 36 et seqq. [http://www.swp-berlin.org/common/get\\_document.php?asset\\_id=7286](http://www.swp-berlin.org/common/get_document.php?asset_id=7286) (viewed on 27th July 2010).

39. See Marine Resources Assessment Group (MRAG) (Hg.), *Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries. Final Report*, London, July 2005.

40. See FAO (ed.), *FAO Country Profiles, Food and Agricultural Commodities Production 2007*, <<http://faostat.fao.org/DesktopDefault.aspx?PageID=339&lang=en&country=201>> (viewed on 16<sup>th</sup> July 2010).

41. European Commission, *Somalia, Joint Strategy Paper for the Period 2008–2013*, Brussels 2008, p. 13, <[http://ec.europa.eu/development/icenter/repository/scanned\\_so\\_csp10\\_en.pdf](http://ec.europa.eu/development/icenter/repository/scanned_so_csp10_en.pdf)> (viewed on 17<sup>th</sup> July 2010).

42. See the stock-taking of potential by Range Resources issued in 2005. [http://www.rangeresources.com.au/fileadmin/user\\_upload/asx/ASX\\_Announcement-\\_Puntland\\_Oil\\_and\\_Gas\\_\\_01-12-05\\_.pdf](http://www.rangeresources.com.au/fileadmin/user_upload/asx/ASX_Announcement-_Puntland_Oil_and_Gas__01-12-05_.pdf).

43. Range Resource Ltd., a company based in Texas, reports that it signed agreements with the Puntland government in 2005 and 2006, respectively, in which Range acquired rights to over 50.01 percent of the mineral and hydrocarbon resources and 49.9 percent of all other natural resources. See the Website of Range: <http://www.rangeresources.com.au/Puntland.24.0.html>.



Because the concession areas of Range extend across the entire territory of Sool and Sanaag, the conflict between Puntland and Somaliland will probably be exacerbated by the issue of resources, especially considering that Range signed the agreements exclusively with the Puntland government. On the whole, one can expect that oil and gas production in a fragile state will scarcely serve as a stabilising factor. It is more likely that it will fuel more conflict.

### Crisis of society

While for many decades Somalia was viewed to be a nation-state with a homogenous population, sharing one language and religion, whose politics was dominated by clans and sub-clans, the picture changed with the outbreak of the devastating clan wars at the beginning of the 1990s.<sup>44</sup> At present the names of the clans stand more for warlords and parties to the civil war than they do for any organisational structure, whose traditional conflict-management mechanisms would allow them to rule a population without a state. The ongoing civil war has led to several mass migratory movements, and at the latest in the early 1990s traditional forms of life and clan structures began to be transformed through refugees, internally displaced persons, influence from the Diaspora and the shift from life as nomadic herders to life in the midst of warfare. Especially in South Somalia it has resulted in an ongoing crisis of society. Living in the midst of conflicts across several generations, the paucity of economic alternatives, the absence of economic alternatives, the absence of schools and the possibility to earn money by joining a militia and guarantee security for oneself and family has led to a large number of children actively engaged in conflict in South Somalia.<sup>45</sup>

The struggles between al-Shabaab and the representatives of the clans and village elders in the areas controlled by Shabaab show that the power of violence has long since replaced traditional possibilities of conflict resolution. The al-Shabaab militia reigns by terror: beheadings, stoning and other *hudud* punishment as well

as the desecration of the graves of Sufi saints are among the methods used to discipline the population and ultimately uproot them from their traditional understanding of Islam. As a result of the terror of al-Shabaab, which conducts its campaigns with child soldiers and whose command structure is increasingly in the hands of foreign *jihadists*, social structures have been permanently altered. A child with a gun can give orders to a clan elder, while the relative freedom of Somali women and girls to participate in public life and secure the survival of the family, for instance through trading, has been restricted by the rule of al-Shabaab.

### Constellations of actors and their interests in peace and stability

In addition to the violent actors which dominate the scene in South Somalia, the population, but also the Diaspora and Somali businesspersons play an important role. Although external actors themselves avoid direct contact with the country, they are of importance in supplying the population with aid and combating piracy in the form of the EU Navfor Atalanta<sup>46</sup>, acting as potential mediators between the warring parties in the country within the framework of the United Nations and playing a role as conflict managers such as the African Union and the AMISOM peace mission. The community of nations vacillates between intervention and neglect and appears to be no longer able to develop any strategic line in the face of general helplessness, the threat of possible Al-Qaida operations and the one-sided support of a transitional government which has become a paper tiger. In addition to states and their regional and supra-state organisations, there are increasingly private business interests which are bringing energy companies and private security and military organisations to Somalia.

### Scenarios

Possible lines of development for South Somalia are explored in the following with five scenarios. This will then

44. On this see I.M. Lewis, *A Modern History of the Somali: Revisited, Updated & Expanded*. Eastern African Studies. Oxford; James Currey, 2002 [1965].

45. Jeffrey Gettleman, UN voices concern on child soldiers in Somalia. *New York Times*. 16th June 2010. [http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?ref=jeffrey\\_gettleman](http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?ref=jeffrey_gettleman).

46. On the maritime EU mission EU NAVFOR Atalanta see: Annette Weber. Die Marineoperation der EU im Golf von Aden (EU NAVFOR Atalanta): Vorbei am Problem - die Piraterie nimmt zu, die Ursachen bleiben, In: Die EU als strategischer Akteur in der Sicherheits- und Verteidigungspolitik? Eine systematische Bestandsaufnahme von ESVP-Missionen und -Operationen, SWP-Studie, (2009) <http://www.swp-berlin.org/forscher/forscherprofil.php?id=6731>, (viewed on 15th June 2010).

allow factors to be identified which could serve to help improve the situation in Somalia.

### Withdrawal of AMISOM

The withdrawal of the AU mission AMISOM could be one possible development in the coming months. The reason for this could be the increase in domestic political opposition to the mission in Uganda and Burundi, where most of the troops are from. Above all attacks by al-Shabaab on civilian targets in Uganda and the threat of carrying out attacks in Burundi could increase domestic political pressure on the governments in Kampala and Bujumbura to withdraw their forces from Somalia. A military victory on the part of the al-Shabaab militia or an agreement between the TFG and armed rebels in which the withdrawal of the mission is made a precondition could also lead to the withdrawal of the AMISOM mission.<sup>47</sup> A withdrawal of the African Union Mission Somalia would have several consequences. The TFG cannot survive in Mogadishu without AMISOM and would have to relocate to a neighbouring country, from where what is left of its already limited legitimacy among the population would be lost. Because AMISOM currently holds the strategically important port of Mogadishu, the aid consignments which are distributed to the 3.5 million persons in the population in need of aid via the port could no longer be provided.

### Collapse of the TFG

Political end, for instance the dissolution of Parliament or the transitional government under President Sheikh Sharif Ahmed, would lead to a re-evaluation of the AMISOM mission, as its primary goal is to protect the transitional government. The international community, the United Nations, the African and European Union, the Arab League, but also the neighbouring states in the regional organisation IGAD (Intergovernmental Authority on Development) would lose their point of contact. Somalia would then not even be a failed state with a weak government, but once again without any government at all. Ideas for the establishment of a state, an administra-

47. Similar to the demand in the Djibouti negotiations between the United Nations and a faction of the United Islamic Courts of Justice, in which the demand for a withdrawal of the Ethiopian army was actually complied with.

tion, security and the support for health and educational facilities could in this case no longer be carried out. The country would be turned over to the warring Islamist and violent *jihadi* actors.

### Military victory of al-Shabaab

In the event of a victory by the al-Shabaab militia, which does not appear unlikely at present, there would be two possible developments. Some observers assume that the survival of al-Shabaab depends on a common opponent and enemy and financing of the fighters, but the population itself and the sub-clan elders do not sympathise with it very much. Moreover, it would appear that the leadership of al-Shabaab is split between foreign cadres with their agenda of global  *jihad*  and Somali  *jihad-ists* , whose interest are confined to the national level.<sup>48</sup> It is thus conceivable that al-Shabaab will militarily occupy Mogadishu and other towns in South Somalia, but not be able to control them over the long term, as their foreign commanders with their global  *jihad*  agenda are by no means pursuing the interests of the population in peace, stability and prosperity. A less optimistic assessment views the Shabaab as a melting pot of radicalised fighters who can be recruited both from the Al-Qaida milieu as well as the Somali Diaspora. The growing influence of radical rhetoric in the global  *jihad* , the increasingly repressive treatment of the population and a terror regime based on fear could cause Southern Somalia to develop into a second Afghanistan.

If there are additional attacks and the ideology of al-Shabaab, which is close to that of Al-Qaida, spreads in the region, an intervention by neighbours with the support of the U.S. is entirely conceivable.

### The Darman effect

There have been reports in the German press since June 2010 about a Somali actor in connection with a scandal involving a German private security company which was recruiting former German army soldiers for an operation in Somalia against the transitional government and against AMISOM. Abdinur Darman (Hawiye/Ayr), who

48. See: Somalia's Divided Islamists, International Crisis Group, Africa Briefing, 18 May 2010. <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/somalia/B074-somalias-divided-islamists.aspx>.

considers himself to be the elected president of Somalia, serves as an example scenario here for a possible change in the military constellation. If Abdinur Darman really gets involved in the conflict in South Somalia with support of a private German (or from any other country) security group<sup>49</sup> and set up a militia there, it is conceivable that he would expect support from his sub-clan and possibly other groups such as, for instance, Hizb al-Islam, a clan-affiliated coalition. This clan-based militia would then either attempt together with Shabaab to defeat the TFG and AMISOM or to engage in clan warfare with other violent actors.

### TFG-AMISOM offensive

Since the troops of the transitional government have been undergoing training from the UN mission (European Union Training Mission Somalia, EUTM)<sup>50</sup> since April and the U.S. government sent weapons to the transitional government already last year,<sup>51</sup> the TFG together with AMISOM are able in this scenario to launch a major offensive and defeat the troops of Al-Shabaab and Hizb al-Islam. Although, similar to the scenario of a victory on the part of Shabaab, this could suffice for a temporary military triumph, a much greater effort would be needed to achieve long-term stability and the support of the population.

### Factors which could change the nature of the crisis in Somalia

To be able to identify factors which could improve the situation in Somalia, it is necessary to clear up several premises.

Peace and the willingness to engage in negotiations be-

49. Regarding the discussion over a private German security company which Abdinur Darman contracted for services in Somalia, see: Söldner aus dem Münsterland. Hamburger Abendblatt. 22.6.2010. <http://www.abendblatt.de/hamburg/article1540490/Soeldner-aus-dem-Muensterland.html> und: Deutsche Söldner für Bürgerkrieg in Somalia, Tagesschau, 22.05.2010. <http://www.tagesschau.de/inland/asgaard100.html> (both viewed on 25th July 2010).

50. For a current report on activities of the training mission, see the website of the European Council: <http://www.consilium.europa.eu/show-Page.aspx?id=1870&lang=en> (viewed on 29th July 2010).

51. Elisabeth Dickson, Arming Somalia, Foreign Policy, 10 September 2010. [http://www.foreignpolicy.com/articles/2009/09/10/arming\\_somalia](http://www.foreignpolicy.com/articles/2009/09/10/arming_somalia).

tween national actors can only come about through Somalis themselves. A renewed attempt to install a government in Southern Somalia from outside will fail just like it always has before if the actors themselves do not have an interest in a political structure for the country. This certainly does not mean that it would be advisable to discontinue support for the establishment of a state and reliable rule of law structures. The challenge, rather, is to not continue to prop up “spoilers” and instead identify and lend support to regional and local actors and initiatives which show a genuine interest in a peaceful stabilisation of Southern Somalia. The well-known actors of al-Shabaab, Hizb al-Islam and the TFG are at present clearly acting as spoilers. They are interested in a military victory, not the peaceful stabilisation of Southern Somalia. Moreover, the task is to support the relatively stable areas of Somaliland and Puntland in their efforts to achieve stability, construct a state and establish rule of law. These regions should not be used as hostages of Southern Somalia. The positive example of Somaliland should be promoted rather than dragging Somaliland into the quagmire of southern Somalia.

### The international community and its options

It is at present urgently necessary for the international community to resist reverting to interventionary actionism, and instead work for a stabilisation of the region, in particular Somaliland and Puntland. In addition to the mediation attempts of the United Nations between the Transitional Government and violent actors with a national agenda, the activities of the regional organisation IGAD and the African Union are important. The Arab League, which has sent an ambassador to Mogadishu, could make an important contribution to an improvement in the situation by holding exploratory talks with violent national actors who are willing to make peace.

The following ideas could be of use with regard to the commitment of the European Union, and in particular the German government:

- Greater support for Somaliland at the level of project cooperation in the area of rule of law and education.
- The establishment and support for rule-of-law struc-



tures in Puntland in order to strengthen the Farole government in combating piracy.

- Support for the IGAD programme to improve regional trade relationships on the Horn von Africa in order to promote alternatives to piracy and develop new possibilities for earning income.
- Training programmes and scholarships for Somali students in order to improve the level of education in

Somalia and establish capacities for government administrative tasks, doctors and teachers.

On top of this, diplomatic initiatives are necessary to allow actors with a national agenda and an interest in peace in Somalia to engage in peace negotiations. By the same token, however, humanitarian access to supply the population must be demanded as a basic precondition for negotiations.





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