

The London Conference in February 2012 was celebrated as a unique event that allowed the international community to streamline its efforts to fully implement the road map and end the transition in Somalia by providing a new constitution and leadership. Few people today would disagree with a much sober assessment of that moment.

This paper tries to focus on several issues that may become highly contentious in the near future and undermine the legitimacy of that whole process. As such, the following points may also not be agreed upon by readers but time will tell who is right.

1. A still divided international community

While the London Conference was described as a decisive attempt to unite the international community on the same agenda to address the Somali crisis and the terrorist threat, its outcome in hindsight seems much more limited and fragile.

The differences expressed by Islamic States toward a process largely framed by Washington and its Western allies have not been resolved. They are focused - at least rhetorically - on three main aspects: the dialogue with the Harakat al-Shabaab al-Mujaheddin (HSM); the leadership in the international management; the shape of the solution.

Turkey and Qatar claim that they have been engaging HSM for quite some times. This stance is rhetorical and aims at keeping a difference with the Western approach, especially after the diktat pronounced by Washington against such a dialogue early February 2012. For what the author knows, contacts were indeed made with Hisbul Islaam leaders who had merged with HSM in December 2010 but the discussions never led to a significant political dialogue. Qatar, maybe eventually sensitive to US pressure, kept the discussion at such a low level that the Somali side gave up meeting Doha representatives. Turkey had a better access but the key asset for these contacts (officially an interpreter working for Turkey's embassy in Mogadishu who actually was a son in law of Hasan Afrah, a HSM commander crucial for the connections with the pirates and close to Ahmed Godane) was shot dead in Mogadishu mid-April. It seems very unlikely that HSM committed this killing; TFG or external allies may have performed it for the sake of cutting all contacts between Turkey and HSM.

Saudi Arabia has not been so noisy about its policy on Somalia. Yet, relations with the Islamic Courts Union and later with the Alliance for the Re-liberation of Somalia were warm. Its intelligence on Somalia is real and over the last weeks new contacts have been taken with former Hisbul Islaam commanders who are nowadays HSM members. It is yet unclear whether Riyadh is acting on its own agenda or on behalf of others. It is also doubtful that it can succeed when others have failed.

While Qatar seems not to have any significant interest in Somalia beyond a public relation exercise, Turkey has adamantly claimed a leadership role in the international management of the Somali crisis. The humiliation

¹ This text was written thanks to a grant of the Nordic International Support Foundation (NIS-Foundation). The author bears the sole responsibility of the analysis provided here.

created by the British decision to hold a Somali conference before the one planned by Ankara makes this reassertion even stronger. In a recent Core Group on Somalia meeting in London, end of April, Ankara representative also pretended that his country would take the lead in the military intervention. The Istanbul Conference early June is described as if a new international strategy on Somalia would be designed there. It is unclear to the author whether Ankara is ready to make concrete moves on the ground accordingly. The preparation of the Istanbul Conference indicates that Turkey has actually much less connections in Mogadishu than expected. The Turkey's Prime Minister, Recep Tayyip Erdoğan, may just want to destabilise his western partners and/or play a good card at home. Yet, this behaviour underlines once more that the West has failed to solve the rift on Somalia with Islamic countries and building a more consensual approach.

There should be little doubt that the close relation between the TFG president and Turkey has a significant impact on how Ankara perceives the end of the transition. Over the last months, Sheikh Shariif Sheikh Ahmed just endorsed all requests made by Turkish business people in Mogadishu at the risk of antagonising his own Somali supporters within the business realm and of mobilising anti-Turkish feeling among sectors of the population that witnesses how Turkey gets the upper hand on key infrastructures. The disagreement on where the National Constituent Assembly should gather in Mogadishu is only one among many items that prove the depth of the relation with Turkey. Turkey (either the state or its business people) will make sure that the current TFG president will be the next one.

The AMISOM expansion in south central Somalia is taking shape slowly but decisively. Djiboutian troops arrived in Beled Weyne early May while Burundian troops are now settled at the outskirts of Baydhabo. No significant activities took place in the sector allocated to the Kenyan Defence Forces but this seems linked to the on-going negotiations of a MoU between Kenya, AMISOM, and the UN: Nairobi wants to make sure that the money it spends on military operations in Jubbaland will be reimbursed.

These achievements have to be nuanced since they were made possible only by the presence of strong contingents of the Ethiopian army and many observers doubt that those AMISOM troops, especially in Beled Weyne, would be able to cope victoriously with a HSM offensive. Ethiopia is succeeding building a buffer zone and set up the administration it needs without much trouble. The TFG president is giving Addis-Ababa the clearances it needs to impose its own Somali supporters in those positions. This rapprochement may mean that Addis-Ababa rewards the close cooperation between Sheikh Shariif and Puntland president, 'Abdirahman Farole. It also highlights the need for Addis-Ababa to cultivate a quelled relation with the Hawiye clan. Yet, two important issues still need to be resolved.

The first one is the police. AMISOM is willing to integrate local armed factions into the TFG forces and, to do so, needs to be able to pay them. This is going to be a daunting task that may become costly (ghost militias...) and provoke new tensions, though there is no alternative. Another key aspect deals with the emergence of real Somali police forces, not militias converted into soldiers. Again, observers confirm the need of such troops but also point out the difficulty to get proper police officers at such a short notice. Neither the international community nor the TFG wants to address the issue of the rule of law in the current context. People are shot at, imprisoned, sometimes put in front of a military court but no one dares to suggest that the due legal process is different. A quite paradoxical attitude when one sees the energy and the money dedicated to adopting a new constitution...

The second challenge for AMISOM is to get the military hardware it needs to conquer and secure new cities. The taking over of Afgooye won't take place before helicopters are provided to AMISOM. This question highlights different problems of the military intervention. For the time being, the expansion of AMISOM takes place under Ethiopian protection while HSM seems focused on internal issues. Will AMISOM be able to reorganise local militias, fight the HSM and provide support beyond main cities to nascent local administration?

Moreover, the coming contingents do not share the same (military) culture and the problems due to those different backgrounds may create significant shortcomings on the ground. The TFG seems still unable to deliver the minimum to make this process more acceptable by all sectors of the population.

The roadmap is still perceived by the main international actors as the only game in town. The UNPOS, USA, and UK are unabated supporters of this process and the passing of the constitution. Others are showing more hesitation as they witness the unfolding of new dynamics that could provoke clashes and seriously undo the meagre political achievements of the last three years.

What is increasingly concerning is the attitude of the SRS who, certainly aware of the multiple difficulties faced by the process, intends to label spoiler whoever questions one of its aspects. This panic sounds like an acknowledgement that, even if the constitution is passed and the roadmap successful, the end result will be quite different from the expectations pronounced by Western diplomats. The SRS's statements are often counterproductive because they deny Somalis the basic rights to discuss the future of their country and give a colonial flavour to a process that is already significantly driven from outside.

2. The return of murky clan politics

Mogadishu politics seems to renew with past mistakes. The first one is that defeating HSM has essentially become a duty left to AMSOM and foreign actors. The Somali political elites have more important issues to address nowadays that new elections (i.e. selections) should take place in the next few weeks. The second miscalculation is to try to forget what the country went through and deal with the current road map as business as usual. The third mistake is to try to enforce clan politics as it was once, without taking into account how the society has changed because of the emergence of political Islam and the reassertion of the diaspora in the political realm.

The first warning was the parliamentary crisis and the sacking of the Speaker, Shariif Hasan Sheekh Aadan in December 2011 by more than 280 MPs. Contrary to the international perception, most MPs were not opposed as such to the roadmap but wanted the Parliament to play a role (its best assurance to be considered at the end of the transition) since the Speaker was eager not to organise any meeting. But a peculiar reading of the Kampala agreement allowed keeping Shariif Hasan on board. This latter is indeed a shrewd player, very politically minded and needs the transition to end to be a candidate for the presidency. The MPs' revolt also expressed a concern that they were going to lose their position. Some politicians behind the seen (such as the former Prime Minister, Ali Mahamed Geedi) poured resource into this movement to create problems to Sheekh Shariif and prepare their own candidature. Yet, the motive for the revolt was genuine and should have been dealt with.

Because of pressures of different kinds, the new Speaker, Madoobe Nunoow, retracted his commitment to elect a new President and basically kept idle. He behaved so because he missed the funding he could have received from opponents to the road map, had he be willing to organise that election. There should be no illusion that those dissident MPs could try to derail the process by mobilising other means than the parliament forum. Their isolation by the international community has comforted the popular perception in Mogadishu that the roadmap is managed by the UNPOS and a cluster of Somali politicians whose legitimacy is contested.

The selection of the elders has generated a number of debates that were important for the legitimacy of the whole process and often the international community and the UNPOS kept close to the signatories of the Garoowe agreements without even commenting much on those important issues. Three were recurrent in discussion with elders of various clans during a trip in Mogadishu at the end of April.

The first one was the identification of the elders and the parameters for their selection. Many observers felt that the signatories would indeed select their best friends and therefore make sure that the NCA and the new Parliament would behave appropriately. This was foreseeable and the international community made its concern known to the main players. Since the list of elders is not yet known, it is difficult to evaluate the impact of those pressures. Although very likely, this risk was not overwhelming. Clan representation has to follow some rigid rules and the room left for manipulation was not so important. The real issue is that elders, even legitimate ones, can be bought. One reason is that the mandate they have been given is far from their social responsibilities and expertise. This is a serious point that no one, either Somali or foreigner, wants to address.

The second problem was the criteria for selection. Traditional elders sometimes inherit the position from their father, sometimes are elected. Some stay with their population, others migrate elsewhere or took asylum overseas. Those latter now want to be part of the elders' assembly (because money will be circulating?). What should be the role of diaspora elders who have the title but lost daily contact with their population? This is a question that should also be asked for diaspora candidates to the Parliament or the Presidency. But the international community keeps silent while it is an important issue for many Somalis.

The third problem is that the claim for a national representation intends to forget the real situation on the ground, in particular the fact that many influential elders live in areas controlled by HSM. For them, leaving their family would be risky and the return to their home after the elders' meeting impossible. This situation is rooted in the wishful thinking of the international community to have the chicken before they hatch...

Since the signatories and the international community are adamantly pushing for the implementation of the road map, they seem ready to make quite a few compromises to get that result. This situation comforts the ability of the signatories to manipulate the elders' selection while they are seen as complying with the international requests.

There is also an assumption that should have been criticized as naïve from the very beginning. Everyone seems to accept the idea that a good representation of the elders will provide Somalia with a better and more qualified Parliament. This is naïve, at best. In 2000 or 2004, the setting was different but cases of controversy were a minority. Incompetent MPs were often selected by legitimate elders and endorsed in 2004 by warlords because of bribes, family's pressures, or simply lack of concern of the elders beyond a fair clan representation.

The international community would have been smarter if it had already pushed for a strong debate on the criteria that MPs, ministers and President should fulfil to be elected. It did not promote that debate because the constitution kept its whole attention. Again, the international community fails to fulfil its role by being prisoner of its political correctness and its previous mistakes.

3. The constitution

The forceps delivery of the constitution is the best illustration of why stabilisation is not going to happen soon in Somalia. While opposition to the constitution is mounting in all sectors of the society, the international community seems indifferent and keeps talking to the signatories as if they were the legitimate leaders of the country. Yet, lessons should have been drawn from the past.

The UNDP role in drafting the constitution has been highly debatable and should be analysed in order not to be repeated. First, the UNDP team (to not pinpoint an individual) made clear that the constitution should include several statements inspired by international agreements. When UNDP or Somali experts were reluctant to agree with some of those articles, they were labelled spoilers and pro-Shabaab. One expert was blacklisted though he is a respected lawyer, consulted, and trusted by Western embassies. More than often, most Somali experts kept silent because the DSA they were getting from participating in such a task force were non

commensurable with their salary. As a consequence, the UNDP team got what it wanted and the Somali experts, once their money pocketed, criticized the authoritarianism of the UN.

The final draft constitution seemed to have reached the office of the Prime Minister by the end of April – this was announced by the Prime Minister but denied by experts still working on a better wording of the draft. Yet, the text was not communicated to the public or even to other signatories. Should that text be considered classified? This kind of behaviour just fuels the multiple conspiracy theories that are circulating in Mogadishu and elsewhere in Somalia. Based on a reading of previous drafts, one can already foresee some difficult points.

First, the draft constitution is poorly written and the current wording is going to provoke fighting among TFG constituencies, not to mention the HSM that is happy of this new opportunity to come back at the centre of the political arena (not the most likely scenario if its leadership problems are not addressed). For instance, it contains a number of statements that cannot be accepted by Somalis because they explicitly oppose the common understanding of Islam or Shari'a (as illustrated by Article 22). This proves a lack of sensitiveness towards the local culture. The constitution is supposed to gather citizens, not divide them. It is not supposed to be a blistering attack against religious conservatism. Constitutions in the Arab world in the 1950s and 1960s made significant steps to improve the status of women and solve social problems without antagonising the faith of their citizenry.

Second, the issue of federalism is a crucial point in the constitution. There is no surprise that Hawiye are reluctant on this but their arguments should be considered. Basically, everyone is questioning the additional rights allocated to Puntland (and Somaliland) at the expenses of the other regions or future States of the country. Many important clans (Haber Gidir, Mareehaan, southern Dir, ...) have problems with the rule that any federal State should include at least two of the former 18 administrative regions. Under such a condition, only the Harti and the Digil-Mirifle can have their own State.

Third, people question the practicality of demarcating the borders and allocating resources, points that are only generically mentioned in the draft constitution. Should the war between Somaliland and Puntland be considered the model of solution for this issue? For instance, the Digil-Mirifle are contemplating the creation of a state that would encompass Bay, Bakool, Lower Shabeelle, Gedo, and Middle Jubba since they could claim to be either the majority or the strongest minority in those regions. Yet, this vision is articulated by the Digil-Mirifle politicians in Mogadishu and Nairobi, not by the lay population in the region that knows that minority clans can antagonize by all means such a project. Federalism understood that manner means more clan balkanisation of the whole country.

Fourth, the constitutional process does not offer any hope that the new leadership will be much different from the current one. Over the last two or three years, new political groupings were set up but they won't have a chance to compete to get a parliamentary representation. To a large extent, conversations in Somalia deal with the positions the current elites are going to get after August. Politics is restricted to allocation of positions, not even to the discussion of the shape of the state apparatus and the creation of local administrations. This is certainly the most drastic criticism to the federal project: only positions at the centre are discussed, constituencies in the countryside are claimed only to get a better access to higher positions in the central state.

4. Al-Shabaab a Somali Sisyphus?

Over the last months, the narrative on HSM has recurrently focused on its internal divisions and the negative impact of its formal association with al-Qa'idah. To a large extent, US CT officials have substantiated this view point. The opinion of the author is more nuanced and does not endorse the descriptions of splits that should have taken place from the beginning of the year 2012.

First, all points mentioned in a previous analysis are valid or got confirmed². In particular, HSM has secured its supplies lines with Yemen and invested the Golis Mountains to do so. It gave up cities when under attacks but kept an asymmetrical confrontation with all international forces present in Somalia. In cities, its focus has changed and nowadays HSM seems to target National Security officers and all those who publicly blame it. One can consider that it has still influence in Bakaraaha market and a growing presence in Somaliland. HSM members are still paid regularly. Ammunitions are not scarce and manpower is not missing, though some websites mention again forced conscription in Lower Jubba. As my January text concluded, HSM makes itself ready for a long war and it is far from sure that its eradication could happen soon.

The leadership crisis is not new but has had new developments over the last months. While the author is still waiting a confirmation for the alleged split of Mukhtaar Roboow and Hasan Dahiir Aweys announced by many analysts close to the US government or the TFG, the polemics among the leadership has no end. Attempts by Ahmed Godane to monopolise the reference to jihad met resistance by Hasan Dahiir mostly because that would have meant that his political life from 2006 went the wrong path. In the view of the author, those leaders still work together.

A recent incident in 'Eelashabiya shows that HSM leadership, despite its bitter divisions, intends to keep all dissidents in the organisation since a contingent of heavy weapons found out there was not merely confiscated but handed over to clan elders while investigating their owners' identity.

Early May, a delegation of three members of al-Qa'idah central reached 'Eelashabiya and started a genuine audit of the HSM by interviewing key leaders as well as local commanders. The simple fact that those envoys were able to reach Mogadishu without being intercepted is already an illustration that much more needs to be done in terms of securing Puntland and Central Somalia (this could be reinforced by the trip to Golis Mountain to organise the supply of a huge quantity of ammunitions by Mukhtaar Roboow still working for HSM, whatever websites claim). This auditing exercise should end up by a new leadership meeting that may or may not have a significant outcome for the jihadi organisation.

The author sticks on his thinking that without any new political space to accommodate HSM dissidents, the defections in the organisation would not reach the level of a real division. Attempts by Western States to organise the split of former Hisbul Islam commanders seemed to have failed for that very inability.

HSM may be at a standstill because of its internal leadership divisions. This is fairly possible. Yet, one can also imagine that HSM is waiting for its time to come out again because of two parallel developments. On one side, the setting up of local administration is very painful and far from consensual. Baydhabo is more settled than Beled Weyne but the divisions at the leadership level between Mahamed Ibraahim Haabsade and Sheekh Aadan Madoobe despite the strong leverage Ethiopia has on both just reflect the unresolved tensions in the region. On the other, the constitutional debate is the best ideological opportunity offered to HSM after the Ethiopian intervention of December 2006. Its sympathisers miss no occasion to inflame the discussions and one can predict some success to that strategy, taking into account the many blunders the draft constitution contains.

What still is unclear to the author is why HSM has been unable to strike Kenya or Uganda decisively. Because East African and Western Security Services do not communicate, it is difficult to know the resources dedicated by HSM to that project. HSM leaders can be smarter and play the clock since the counter-terrorism's collateral damages are significant as illustrated by a May report published by Human Rights Watch. Maybe the Olympic Games in UK and the electoral campaign in Kenya would also provide better opportunities.

² *Al-Shabaab makes itself ready for a long war*, 31 January 2012.

5. Conclusion

The international community is at a crossroad. It can congratulate itself for enforcing the roadmap without much delay and get the constitution adopted by closing its eyes on the way this is going to be achieved, at the risk of major conflicts that may or may not benefit to HSM. Or it tries to design a plan B not too late.

This plan B would be to prioritize the selection of a new Parliament (and therefore a new President and cabinet) but not focus on the constitution as such. The articles on the federal nature of the State and the section dealing with the organisation of the central state apparatus could be adopted without many problems. The rest would be frozen up to a better time. All issues related to federalism would be first implemented in an experimental manner to give time for understanding and fine tuning. Discussions with Somaliland are an absolute necessity and should be concluded before the constitution is fully adopted. A long way to go for donors that spent a fortune in a debatable exercise at such a moment in the Somali crisis.