Transformation of the Somali Civil -War and Reflections for a Social Contract Peacebuilding Process

Somali İç Savaşının Dönüşümü ve Sosyal Sözleşme Barış İnşası Sürecine Yansımaları

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Abstract

The conflict in Somalia is nearing three decades since the bloody civil war that has eventually transformed into a war on terrorism begun. Three generations continue to experience the devastating impacts of the conflict that broke out in 1991. Despite the numerous peace efforts, there seems to be little success in overcoming the protracted conflict. Existing literature emphasize on the role of clan identity, poor governance and external factors as the main causes of the conflict but fall short of providing sustainable peacebuilding efforts. This article opines that in Somalia the bond between the government and the people has long been and efforts to revive the hopes and trust of the citizens on their government needs to be prioritised. It identifies several gaps in previous peace approaches that isolated public participation and gave room for laxity in implementation of the peace accords as some of the main challenges to peace. The paper argues that more elaborate efforts need to be taken to revive the social contract at two levels. One, among the people themselves and secondly, between the people and the government. The recommendation should be anchored on a new constitutional dispensation that will not only be bottom -up driven but also should address some of the deep-rooted grievances of key actors through a constitutional process.

Keywords: Somalia, Social Contract, Conflict Resolution, State-Building

Öz

Somali'de yaşanan çatışma, en son aşamasında kanlı bir iç savaşın terörle mücadeleye dönüşmeye başlamasından bu yana otuz yıla yaklaşmaktadır. 1991'de ortaya çıkan çatışmanın yıkıcı etkilerini üç kuşak deneyimlemeye devam etmektedir. Sayısız barışı sağlama çabasına rağmen, uzun süren çatışmanın üstesinden gelmede çok az başarı sağlandığı görülmektedir. Mevcut literatür, çatışmanın ana nedeni olarak kabile kimliğinin ve zayıf yönetişimin rolünü vurgulamaktadır, ancak sürdürülebilir barış inşası çabalarını sağlamada yetersiz kalmaktadır. Bu makale, Somali'nin vatandaşlarını bir millet olarak birbirine bağlayan ve hükümetle ilişkilerini güçlendiren bağlarını çoktan yitirdiğini göstermektedir. Böylelikle makale, insanlar arasında ve insanlar ile hükümet arasındaki sosyal sözleşmeyi canlandırmak için daha detaylı çaba sarf edilmesini önermektedir. Yeni bir anayasal muafiyete dayalı olarak önerilen iki aşamalı sosyal sözleşme, yalnızca insanlara yönelik değil; aynı zamanda kilit aktörlerin kökleşmiş şikayetlerinin bir kısmını da anayasal bir süreç aracılığıyla ele almalıdır.

Anahtar Kelimeler: Somali, Sosyal Sözleşme, Uyuşmazlık Çözümü, Devlet İnşası

Introduction

The overthrow of Said Barre regime in 1991 was followed by the disintegration of key institutions of governance and demographic alterations in Somalia. The gap created by the absence of a central government left the country at the mercy of warlords who began to violently scramble for control of urban and rural assets as well as spheres of influence. Events that surround the months between 1991 and 1992 were so devastating displacing over 1.5 million people and leaving 25000 others dead (Healy & Bradbury, 2010, p. 10). Although the people who witnessed the disintegration of the state describe it as *burbur* ('catastrophe'), what the conflict has done to the Horn of African country nearly three decades is captured on the Failed

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State Index (Foreign Policy 2008-2011) where Somalia was the top country (Daniels, 2012; Hansen, 2013; Makinda, 1999). Between 1992 and 1995, resolution 733 and Resolution 746 were passed by the United Nations Security Council to approve the formation of United Nations Assistance Mission in Somalia (UNSOM) I and later, resolution 794 which established United Nations-sanctioned Multinational Force (UNITAF). The former was to deal with peacekeeping operations while the later was tasked to respond to the humanitarian crisis that had led to the death of over 300,000 people due to famine and war in 1991-2 (Muravchik, 2005, pp. 26-30). At first, the presence of foreign troops under the United Nations Assistance Mission in Somalia (UNISOM I) and United Nations-sanctioned Multinational Force (UNITAF) was welcomed by the locals but later their attitude changed when propaganda by warlords such as Adieed suggested that Somali's would be converted to Christians. This change of attitude, together with other factors such as the growing insecurity for aid workers, shooting down of the American Black Hawk helicopter and insufficient funds led to the withdrawal of aid workers on March 3, 1995, leaving civilians under even bigger risks.

With the UN not willing to commit in the Somali case after suffering casualties during the previous peace operations, the distrust of foreign actors particularly the US by Somalis and the incompetence of regional bodies to solve the conflict, Ismail Omar Guellah the Djibouti president and few African and Arab states organized about five peace conferences between 1996 and 2006. Meanwhile, several regions in Somalia such as Somaliland, Puntland and Jubaland began to declare either independence or autonomy in 1991 (Rýdlová, 2007, p. 62; Ingiriis, 2018a, p. 9; Magan, 2016, p. 36; Brons, 2001; Dyrsdale, 1992). Even the formation of the Transitional Federal Government (TFG) in 2004 did not solve the conflict as warlords continued to threaten peace in the region. The rise of other armed non -state actors such as terrorists, pirates, and separatist groups led to the invasion by Ethiopia and Kenya and later the African Union Mission in Somalia (AMISOM) into Somalia with further death and destruction. Today the UN estimates that over 500, 000 people have died as a result of conflict with over 3 million others displaced (UNHCR, 2017)
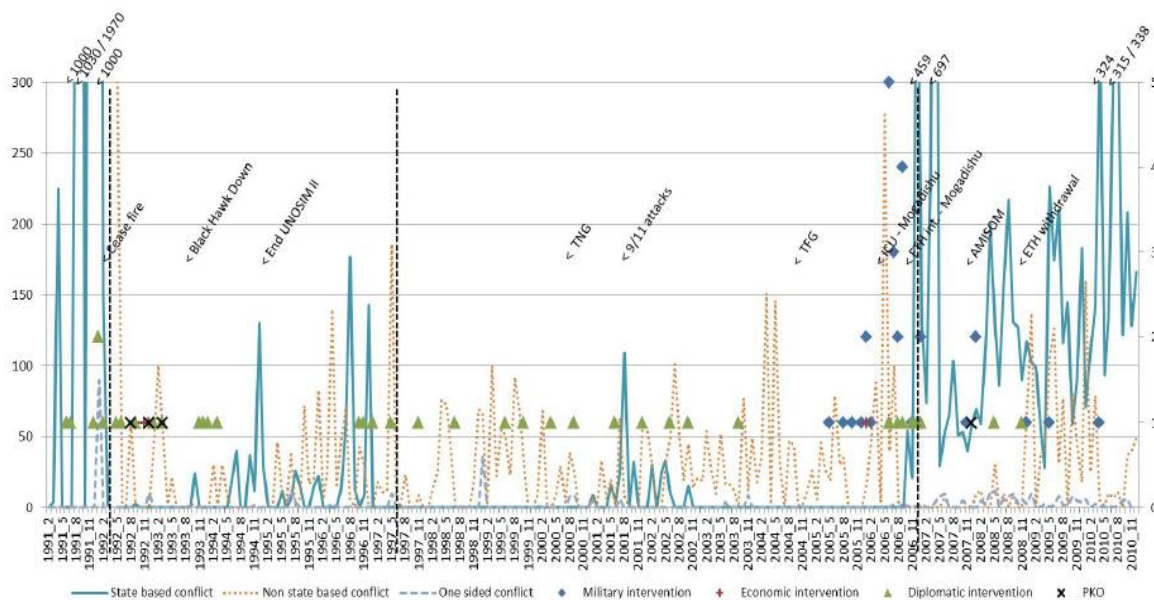
Graph 1: Nature and number of conflicts in Somalia between 1991 and 2010 (Source: Sousa, 2014)

Nonetheless, state-building efforts and political arrangement have brought a new demographic and administrative structure in Somalia. Despite the classification of Somalia as a failed state, a lot of social, political and economic activities are going on (Doombos, 2012; Fahy, 1999; Bakonyi & Stuvey, 2005; Sorens & Wantchekon, 2000). Some of the autonomous

regions continue to function without central authority through the complicate peace efforts despite the narrative that these territories are keen on state-building (Ingiriis, 2018a, p. 4; Johnson 2008, p. 5). These autonomous regions are only legitimizing clan territorializing system since they are founded on clan identity (Bootan, 1996; Rýdlová, 2007, p. 62; Hoehne, 2015; Ingiriis, 2018, p. 4). Federalism system that previous peace efforts recommended has further accelerated the clan territorializing (Brons 2001, p. 274; Ingiriis, 2018a, pp. 4-10; Rýdlová, 2007, p. 62; Johnson, 2008, p. 23; Magan, 2016, p. 38).

Nevertheless, it is important to highlight that the current political configuration is a political symptom and legacy left by the ousted military regime which makes the reconstruction of the state more challenging (Ingiriis, 2016, p. 60). However, it seems that clan federalism or clan territorializing which brought back the pre-colonial political structure with different labels and political system has become the vital solution for reconstructing the lost trust and reliance among the Somalis clans and reestablishing a functioning state once again in Somalia. This has been the new political formula of Somalia's post-civil war political elites and international community marketing it to overcome the current political messes. Hashim (1997) and Salwe (1996) came to the same conclusion, a political structure which enables the major clan's self-rule as it is today or in other words a clan territorializing.
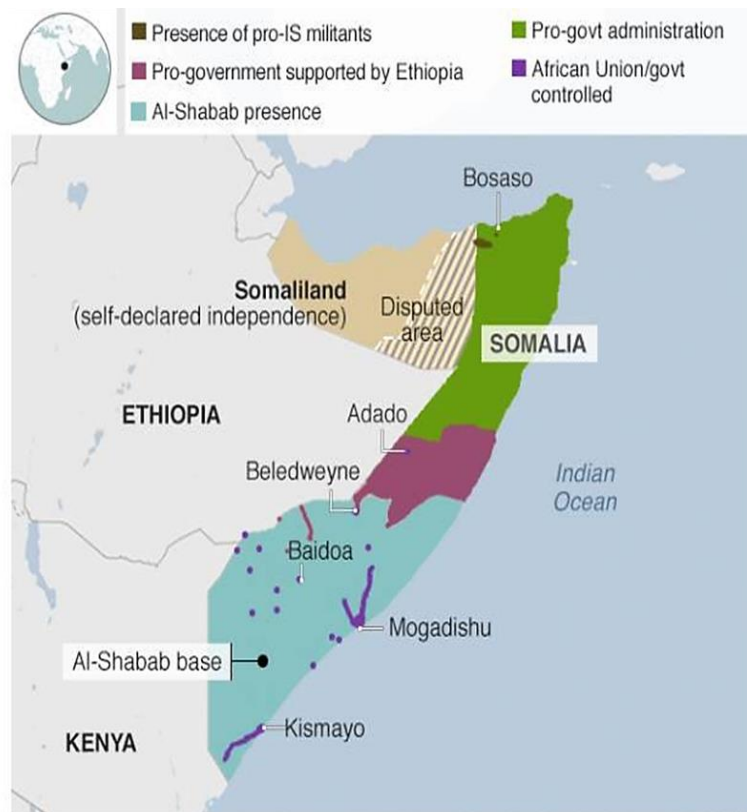

Figure 1: Post state collapse political configuration in Somalia (Source: BBC, 2018)

Theoretical Framework

This theory emerged in the late 1950s and assumed that conflict is inevitable if two or more factions are involved in competition over the ownership and, or, use of resources. Competition may arise when there is a perception of scarcity, whether that is true or not. Proponents (Sherif, 1966; Coser, 1956; Jackson, 1993; Levine et. al, 1972) argue that conflict among groups occurs as a result of the incompatibility of interests and scarcity of resources. In other words, they argue that conflict among groups is rational due to the group's need to maximize their rewards by controlling more of what is supposed to be shared among different

groups (Campbell, 1965, p. 287). Hostility among groups is even highly likely if the item of the conflict in question is beyond the individual control and in fact, the conflict does not focus on the individual features but rather the group interest. In some cases, the conflict will arise when there is a feeling that one group is being discriminated against when it comes to opportunities.

What has been noted however is that group interest may not necessarily be the interest of an individual group, however, it is important that the group acts collectively to maximize their chances of becoming dominant (Gould, 1999, p. 359). Realists argue that conflict among groups is unavoidable and irrespective of how long it takes, a highly diverse society will eventually experience conflict. What distinguishes conflict among groups is the consequence because of the nature and intensity of the conflict. They assume that the cause of most conflict is competition for public goods such as political positions, territory, power, natural resources, status or pride, none of which is and can be exclusively monopolized by one group (Rapoport & Bornstein, 1987).

By looking at intergroup conflicts as a team game, this theory argues that each member of the group contributes either directly or indirectly to the team. The consequence of their contribution to the team is understood will determine whether the group will win. The group that emerges strong and can control public goods means that the contribution of its members was the most relevant one.

In the case of Somalia, the realistic theory can explain the conflict in a number of ways; foremost, it explains the configuration of actors in the war. Indeed the primary basis of groups involved in the Somali conflict is the clan identity. These are people with similar historical, economic, social and political interests that can best be realized, its members of the community are in key positions to influence the allocation of resources. The rationale behind the continuous demand for autonomy is that some of the weak clans consider themselves disadvantaged when it comes to elective positions since they do not have the numbers to defeat their opponents. The only alternative is to craft their own political entities that will give members of their clan's direct control of decision making and resource allocation. The case of Somaliland and Puntland in declaring their independence can be explained from this theory which in addition can also explain why the government has resulted to use force to take control of some parts of the country.

Somali's society is often viewed as homogeneous with a single history of origin, religion, and language. However, clan identity can be associated with the political and economic needs of the different groups. Somali's clans were divided long before the coming Europeans into the country. One may wonder why? Or ask the question why pre-colonial Somali state? The answer may lay with this theory. The assumption that scarcity of resources and in this case pastures and water to support their nomadic lifestyle led to the strong need to have strong groups in order to take up the competition can fit in this explanation. The absence of a central Somali authority before the coming of Europeans could have been caused by inadequate resources and the principle of survival for the fittest. It was this existing diffusion that the European exploited and were able to colonize the region. During President Barre's tenure, there were accusations of nepotism and discrimination in the allocation of state resource. This theory assumes that one group only needs to develop a feeling that the others are betraying or marginalizing them for conflict to begin. The nature of Somali's conflict has also seen rational actions on the part of clan members. For example, the existence of the many armed militias would not have been possible without members of their clan offering support or refusing to disclose their identity. In the long run, the inward-looking actions of people in Somalia towards their clan are sufficient to destroy whichever social contract that has been existing among the members of the community. The result has been the unending violence and conflict that have surpassed previous

peace efforts which seemingly appear to overlook the importance of reconvening the social contract.

The Outbreak And Transformation Of The Somali Conflict

The conflict in Somalia has historical roots that were worsened by the colonial administrative system and the post-independence winner takes all majoritarian political system. Historically, feud and disputes were a regular incident and mainly sparked by conflict over resources such as water, camel, and grazing (Salwe, 1996, p. 10; Elmi and Barise, 2006, p. 33). In this light, revenge amongst the clans was very popular alongside the struggle for the resource (Salwe, 1996, p. 10). However, even though there were conflicts among the clans, the "*Xeer*" system, a traditional approach to solving conflict was there to solve conflicts and restore peace (Elmi and Barise, 2006, p. 33). Distinctively, the precolonial pastoralist conflicts are not like what has been witnessed over the last three decades (Compagnon, 1992, p. 11).

Nonetheless, the indirect rule by the British enabled the traditional tribal authorities to administrate by appointing the chiefs or the clan leaders in efforts to simplify the governing of the colonial territory "(Salwe, 1996, p. 5; Rýdlová, 2007, p. 25). This had weakened and demolished the traditional system of Diya-paying groups. The "Akils" system was chosen as a replacement for the now ineffective Xeer system where a single person was given authority to administer law and order within the clan, carrying out colonial administration's rules and regulations, bringing to justice those who committed crimes within the clan (Lewis, 1961, p. 201). The chief was chosen because of his loyalty to clan and colonial administration which created competition and rivalry among the clans to obtain this position. This was the first impact of the divide and rule policy towards Somalis which is effective until today (Salwe, 1996, p. 5). However, on the other hand, this also marks the beginning of structural conflict where the clan feuds and conflicts were institutionalized and structuralized. As Galtung asserts, structural violence, unlike personal or direct violence, is invisible as it does not require the existence of active violence in the structure where someone harms another, but, the structure itself is the violence and it enables inequality of power and life (Galtung, 1990; Ho, 2007, p. 4).

After Somalia got its independence in 1960, the South and the North which had been separated during the colonial period were reunited, and rapid urbanization and transformation from the traditional agriculture-based economy to a more sophisticated liberal market forced the people to change their approaches and attitude towards politics, economics, and culture. Various clans began rivaling for control of state institutions and power (Elmi and Barise, 2006, p. 34). In other words, post-colonial state formation fueled structural conflict in Somalia which created a new rivalry, confrontations, and competition. A year after independence, the vulnerability of Somalia as a young state became bare when a group of young commanders attempted a coup d'état within the former British protectorate Somaliland. They cited frustrations and an unfair political power-sharing among the clans as the reason for their attempt and demanded independence from southern Somalia (Italian protectorate) (Samatar and Samatar, 1987). Although the first coup failed, enough efforts were not taken to address the growing disappointment, dissatisfaction and displeasure continued. A second coup d'état then took place in 1969 led by Said Barre after the president was assassinated by one of his guards in Laascanood. This not only marked the end of a young evolving democratic culture and multiparty system in Somalia but also laid the foundation for a deep-rooted authoritarian regime that would lead Somalia into a bloody civil war (Samatar, 2002; Rýdlová, 2007, p. 40).

Despite the early milestones in political and economic spheres that military regime made in the first few years in power, things changed dramatically from 1977 after Siad Barre regime lost the war against Ethiopia. The same year, Mogadishu had cut relations with the Soviet Union losing lots of military and economic support while visible various armed groups begun to

emerge (Laitin and Samatar, 1987, p. 80). As the government lost public faith and confidence, the military regime begun to use clan differences as a shield to stay in power (Rýdlová, 2007, p. 46; Laitin and Samatar, 1987, p. 93). As clannism increasingly became embedded and structurally infused in politics, the country crumbled into a dangerous civil war in 1991. Direct violence among the clans, the state collapsed, and chaos characterized the horn of Africa country. Over 300, 000 people died as the result of either disease, starvation or civil war in the first year. Not only were political actors involved, clan warlords, militias and religious extremists such as Al-Itihad al-islamiya emerged and begun scrambling for power (Brons, 2001, pp. 219-220; Rýdlová, 2007, p. 62).

Various peace and reconciliation initiatives have since taken place but none of them succeeded or produced an inclusive mechanism that can bond Somalis together and bring back the trust and confidence among the Somalis community and towards the government. Even the creation of the Islamic Court Union (ICU) in 2006 with much support of the business tycoons and people living in Mogadishu to oust the warlords controlling in Mogadishu did not succeed. The Islamic Court Union which later formed the US-backed group dubbed the "*alliance for the restoration of peace and counterterrorism*" transformed conflict and violence in Somalia into the war on terror (Ingiriis, 2018b, p. 10). The ICU was finally ousted by Ethiopian troops and Transitional Federal Government troops led by Abdullahi Yusuf. It disintegrated into various groups one of them being Al-Shabaab. The group had been operating secretly within ICU administrative structure but came out later after the ICU was defeated. The lack of quality training, equipment, and trust within the Somali police and Transitional Federal Government allowed Al-Shabaab to grow and expand its control of vast territories within Somalia. Al-Shabaab and other different groups operations in Somalia have made the country to slide into the category of weak states. These are countries whereby, the state and insurgent groups compete for legitimacy and economic resources as well as pursue their political and strategic interests (Eisenstadt, 1973; Médard, 1996, pp. 76-97). Increasingly, Al-Shabaab has become a regional security threat and has effectively carried out attacks on neighboring countries such as Westgate, Dusit Hotel and Garissa University in Kenya as well as the bombing in Uganda.
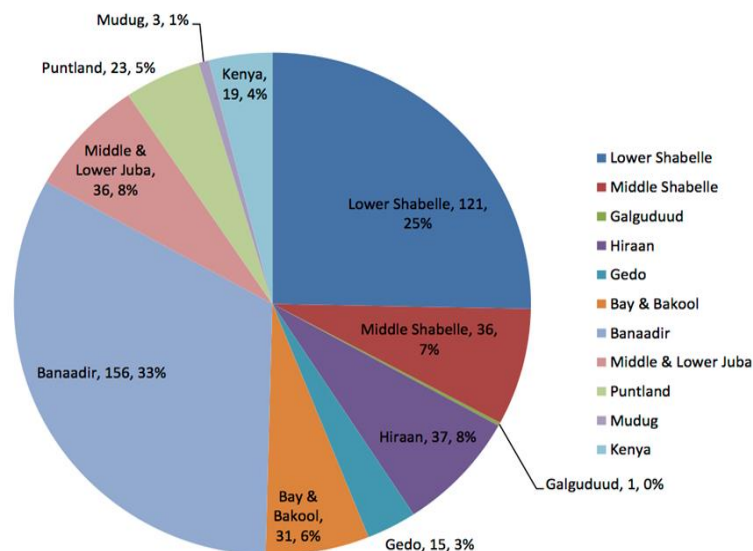

Figure 2: Al -Shabab attacks between July 2017 and January 2018

Previous Peace Efforts To The Somalia Conflict

The ongoing conflict in Somalia has not gone unnoticed and has attracted the attention of both local, regional and international actors who have embarked on several efforts to broker peace among the warring parties. As will be observed, these efforts have largely been

unsuccessful in providing temporary peace and later violence resumed. Such failure in these efforts has been explained by several reasons some of which include; the top-down approach that does not include the people, the failure of these agreements to address the major causes of the conflict as well as their inability to provide deals that all clans feel satisfied with. In the end, the peace efforts have been marred by mistrust and lack of agreeable terms among the parties. Below are some of the efforts made to bring the warring factions on the table to discuss peace.

The 1991 Djibouti Peace Conference

The president Djibouti in an effort to bring the warring parties to a peaceful agreement to end the war invited the actors to involve the country's capital to discuss a seize fire. At the time, the main protagonists were the groups allied to Ali Mahdi and General Aideed. Approximately 14, 000 people had already been killed and 42,000 people were maimed (Lewis, 2002, p. 264). Regional neighbors to Somalia, Egypt, and Italy did support the Djiboutian government (Lyons & Samatar, 1995, p. 29). Diplomacy had reached hiatus when the peace conference was held. The conference did not yield fruits because it was being held without any form of road mark for the actors to follow. Some of the representatives too had violent confrontations during the proceedings. Moreover, Mogadishu was thrown to the abyss due to the complete breakout of civil war fueled further by militia groups who did circumvent the law because we're not accountable to any functional state institution. Even if the parties were to have some agreement, it was difficult to implement them given that there was no superior institution in Somalia above the militias to curb the impunity among the third-generation militia factions. Due to the non-existent social contract binding the state and citizens, the Somali state had disintegrated and totally collapsed, the banana republic was sprouting.

General Aideed declined to attend Djibouti Peace Conference that was objectively convened to resolve the ensuing violent militia confrontations in Mogadishu despite the fact all the warring factions got an invitation to participate in the conference. Even though the absence of General Aideed created a structural challenge for the peace process, it did not create an impasse for the conveners who proceeded to convene the conference despite his absence (Menkhaus, 2007).

The conveners' demands for the conference convened to pursue the process to peace absent major actors in the conflict such as General Aideed, was a political faux pas for any provisions pertaining to inclusivity in embarking on a peace process. Moreover, some of the representatives (including Aideed) at the conference were not convinced that the organizer were neutral arbitrators in the conflict and pointed an accusing figure towards Egypt and Italy who he strongly believed sought to prevent him from usurping (Lyons & Samatar, 1995, p. 29). Additionally, the Somaliland National Movement refused to participate in the conference by arguing that it was no longer an actor in the conflict having declared independence in May 1991 (Lyons & Samatar, 1995). The main agenda by President Hassan Gouled who convened the conference was to call for the establishment of a transition government, a process that was being manipulated by both Egypt and Italy who wanted a certain candidate, Mr. Mahdi, to oversee the transitional government as its head (Adam, 2008, p. 156).

Djibouti Peace Conference did abort as a result of the wider framework of the conference and the process of mediation which was rejected as having breached the fundamental principle of neutrality (Mayer, 2004, p. 85). The reason many think this conference did not succeed is that the actors were reluctant to give in at such an early stage. Importantly I can observe that the actors involved (particularly General Aideed) had been yet to experience the MHS (mutually hurting stalemate) meaning there was hope by both sides that they could defeat their adversaries and take control of the whole country (Zartman, 2008, p. 54). Forces allied to General Aideed were pressing on and gaining more ground against forces allied to Ali

Mahdi and the newly overthrown government of Barre. The latter groups had not suffered major losses despite the former gaining more ground and therefore they too were not willing to enter into a peace agreement if they hope of getting the full victory. In other words, the peace conference organizers did not provide sufficient incentives to not just bring the warring parties to the table but also to get them to sign a peace deal which most likely would require sharing of power (Zartman, 1999, p. 291). The Djibouti conference ended without any tangible agreement and the war continue.

At this stage it is important to recognize that some of the most decorated commanders and generals of the Somali government were taking sides with the militia groups, giving them tactical and strategic advice. Clanism also played a key role at the conference as the head neither of the militia heads was willing to compromise in the sense that Somalia's political power be given to a member of the other clan. Each of them wanted their own member to head the transition authority. According to Vinci (2009, p. 72), heavily armed factions tried to exploit their military influence in Somalia in order to manipulate the recommendations of the conference. As such, this becomes a clear demonstration that the different factions still considered military action and capacity as the preferable tool of conflict resolution.

Notably, during the conference, some of the militia groups especially in Mogadishu were also gaining massive support from members of their clan and this could have been a good incentive for them not to disappoint their support base by giving in to an agreement with their 'enemies'. As such, the vacuum that was established by the collapse of the state in 1991 contributed to the underwhelming outcome of this conference because mediating parties were more concerned with filling this existing political vacuum rather than the underlying causes of this conflict as well as the impact of the absence of General Aideed in the conference and who is believed to have had a very formidable military force following the fall of Siad Barre.

As such, not only did the Djibouti Peace Conference lack credibility internationally, it also lacked this credibility within Somalia as it did not have an aegis from the citizens in Somalia who were highly divided along clan affiliations and which was exploited by militias factions who considered this as a stepping stone to the next phase of conflict. Sahnoun (1994, p. 10) denotes that the attitude and lack of willingness to compromise sent a negative image to other actors in and out of the continent who may have intended to play a role in Somali peace by then. It was clear that the militia groups were not prepared to underwrite the conflict in Somalia through a negotiated peace process and as such even the UN took a back seat and did not discuss the Somalia issue or provide any support towards the peace process.

Meanwhile, during all these processes involved in the conference activities, violence in Mogadishu was escalating drastically. As such, the Djibouti Peace conference was immediately followed by the 1993 Addis Ababa conference at a time when different militia factions had established strong spheres of influence in different regions in Somalia. State political power was now in the reach of rogue militia leaders who intensely battled each other. Notably, the Addis Ababa peace conference had relatively stronger and improve the support of the international community.

The Conference in Addis Ababa

The second effort was to bring peace in was through the Somali National Reconciliation Conference held in Addis Ababa, Ethiopia in 1993 at the behest of the UN following US presence in Somalia (Bradbury, 1994, p. 22). Moreover, Lewis (2010, p. 129) contends that the UN took advantage of the relative calm brought about by the presence of soldiers in the capital city. As such, this study suggests that this conference on National Reconciliation was quickly arrived at without rationalistic understandings of the dynamics because it was a decision arrived at out of expediency. The UN dominated the planning and implementation of the conference

and thus failed to a certain extent to have an intimate understanding of what was going on since it had abandoned the Somali case for a long time.

The structure and how the conference was held remained highly criticized even before its official inauguration. The presence of militia groups in the conference was highly criticized by civil societies even though it is a practical aspect that for any peace deal to be arrived at in conflicts, the militia groups had to be involved. Additionally, civil society organizations advanced the argument that the selection of delegates to the conference ought to have been more transparent and democratic even though it was an established fact that Somalia had already slipped into domestic anarchy. This means that any discussion on peace had to involve all actors even those which were considered armed militia groups.

Osman (2007, p. 104) opines that another stumbling block for the Addis Ababa conference was the nature of delegation selection which did not take into consideration the significance of clan identity instead the organizers picked the majority of the delegates from the Mudug region. Estimates that out of the 15 militia groups in attendance, 11 were from the Mudug clans and this was not well embraced due to the fact that clannism was introduced as instruments of power at the conference in what was seen as a continuation of the Djibouti process. But more importantly, this conference did not also manage to address the issue of the organizational structure of power and clan balancing thereby not expected to have yielded any fruits since key actors in the conflict were not present. Moreover, there was also already confrontations between United Nations and General Aideed on who to select the conference delegates in a crisis that saw UN advance for more transparency in the process (Elmi, 2010, p. 22). Accordingly, the UN won in its position regarding the selection criteria for the delegates but lost its commitment in seeing through the implementation of the recommendations arrived at during the conference partly due to the fact that General Aideed also declined to live up to the resolutions made at the conference.

The 27th March 1993 saw the signing of the final agreement that reaffirmed the disarmament and ceasefire agreement as well provisions for the institutionalization of a transitional government through the reestablishment of political and administrative structures by representatives or leaders of the fifteen militia factions who participated in the conference. It did exclusively have provision for the establishment of Transitional National Assembly (TNA), some administrative units and councils inclusively to all the eighteen regions and districts in Somalia.

The Transitional National Council was tasked with a selection of 3 representatives, with provisions for one woman regionally in the 18 regions, and 5 seats for Mogadishu and one nomination of each of the 15 militia groups that participated in the conference in the Ethiopian capital. These administrative bodies were to in place in two years. Additionally, there was the establishment of committees to coordinate the disarmament of civilians, write a draft constitution, reconciliation and disputes resolution (Bradbury, 1994, p. 23). The timeframe for the implementation of the agreements was deliberated upon in the conference and the Transitional National Charter was to be availed for endorsement.

The following were the signatories of the Addis Ababa peace process:

NAME OF THE GROUP	LEADER
Somali African Multi Organisation	Mohammed Arbou
Somali Democratic Alliance	Mohammed Abdulahi.
Somali Democratic Movement	Abdi Mayow & Mohammed Nur
Somali National Democratic Union	Ali Ismail
Somali National Front-General	Omar Haji
Somali National Union	Mohammed Rajis
Somali People's Movement	General Aden Abdullahi & Ahmed Hashi
Somali Salvation Democratic Front	General Mohammed Musse
Southern Somali National Movement	Abdi Warsame
United Somali Congress	General Mohammed Aideed
United Somali Congress	Mohammed Qanyere
United Somali Party	Mohammed Abdi.
United Somali Front	Abdurahman Dualeh

Source: Author Compilation from different sources

Various interests of these signatories were accommodated within the wide scope the Addis Ababa Agreement because the signatories were constituted by factoring in the lineage, patronage, and clans of whose behalf they claimed to represent their various interests. Even though the conference was an initiative of the United Nations, there was no commitment from this international institution relative to follow-up or the provision of financial resources to support this process of implementation. According to Lewis (2010, p. 115), the organizers of this conference were motivated by the aim of establishing a central government in Somalia. This study, however, suggests that the establishment of a government ought to be a mature result of conflict resolution processes and therefore be the final outcome of the conflict resolution process that also put into consideration the involvement and participation of the public.

According to Moller (2009, p. 14), the establishment of the central government approach is a state-building process founded on the structure of the international system that is centered around statehood thus, absent interaction with statelessness. This approach also failed to take account of the process and circumstances that surround the emergence of Somalia as a state. Additionally, what had been left and considered as a state during this time were militia groups that sprung up everywhere because of the absence of checks and balances.

Bradbury (1994, p. 26) documents that event the thought the Addis Ababa conflict was ongoing, leaders of differ militia groups were actively involved in power politics games and that these leaders of militia groups initiated internal regional peace conference objective to attain power. Consequently, 2 conferences were initiated with focus on Kismayu and regions around Juba on one hand and the regions in Mudug and Galgabuud on the other. Ultimately, after the Kismayu Peace Process, another conference supported by UNOSOM was held in Jubaland.

On the other hand, the Galkiyo process was birthed from local initiatives by Merahan, Majerten, and Habr Gidir clans and did not know to secure the support on the UN because of the involvement of General Aideed. This initiative came on the back of a military setback handed to General Aideed by another militia group lead by Abdullahi Yusuf following confrontations over grazing land. Lewis (2002, p. 287), argues it was this defeat of General Aideed that greatly influenced him to participate in the Ethiopian accord.

According to Lewis (1993), that the origin of the Galkaiyo process was not crystal but provided two sets of assumptions. Firstly, argues that this process in Galkaiyo could have been the initiatives of General Aideed and Abdullahi Yusuf and secondly, that, this process might have also been a hijacked initiative of the clan elders but hijacked by these two military leaders purposely to strengthen their support bases following the Addis Ababa conference. Indeed, the Addis Ababa process was highly contentious by the militia leaders who perceived it as a platform to project military power.

On the path of diplomatic establishment of peace, Bradbury (1994, p. 28) argues that the drafted peace agreement for the Central and Southern Somalia was instituted by General Aideed with the hope of attracting financial and logistical aid from UNOSOM. However, this request was declined by UNOSOM because by doing that, the UN structure would not have fulfilled its principle of being a neutral actor in the mediation process that involved several other militia factions. But Vinci (2009) emphasizes that in respect of the UN conduct in Somalia, UN was often treated more as an actor in the conflict than a mediator in its actions in balancing power among the militia groups thus compromising its purpose of finding a long-term solution to the conflict.

Moreover, the dispute of Mudug led to the division of the SSDF into a military and political faction and their military success against General Aideed influenced them to participate in the Addis Ababa conference and became a signatory to the agreement (Lewis, 2002, p. 287). However, the UN made a miscalculation in its attempt to sideline General Aideed both politically and militarily, and therefore once again violating the fundamental tenet of mediation which is neutrality of mediators in conflict (Mayor, 2004, p. 85).

This attempted marginalization of General Aideed created an environment of polarization the already existing week relations between the United Nations Assistance Mission in Somalia (UNSOM) and General Aideed resulted to the 24 Pakistani UN peacekeeping soldiers killed during their mission in Somalia. The UN impartiality in dealing with the clan-based political system in Somalia was not well received by other militia factions. Indeed, the clan-based political system has entrenched itself to become a key feature for the Somali political system. (Rotberg, 2004, p. 6).

The significance of the role occupied by general Aideed in the Addis Ababa peace process manifested when the conference was aborted following the pull of General Aideed from the conference. Based on his militia capacity, he was in a position to influence the proceedings of the Addis conference. The mediating actors did not put this factor into consideration the organizational capacity who had the capacity to significantly shift the status of the conflict in Somalia should the mediation team expanded an olive to him. On the contrary, players in the mediation were blinded by the defeat handed to General Aideed by a rival militia group thus significantly reducing chances peace agreement. Indeed, the previous events characterized by the confrontations between Aideed and UN forces proved a greater obstacle to the Addis Ababa peace process.

Moreover, the withdrawal of United Nations-Sanctioned Multinational Force (UNITAF) from Mogadishu following an intense urban conflict with militias loyal to General Aideed marked the complete collapse of the Addis Ababa process as the Transitional National Council did not see the light of day due to the absence of proper political goodwill. Maneuvering by the various players in the conflict was evident in their organization of peace processes in their regions of influence with some attracting United Nations support. Zartman (2008, p. 17), argues that the conflict was not yet ready for a peaceful resolution because of deeply rooted but still existing conflicts among militia groups.

There was no inclusion and consensus on a number of issues such as the disarmament of the various armed groups was not well addressed. The role of actors such as clan leaders who are pivotal in Somalia's socio-political and cultural ways of life were not taken into consideration, and even more concerning was the decision not to include Aideed and his troops in this process yet he was the most powerful and influential group in the war-torn state (Lewis, 2010, p. 132; Adam, 2008, p. 99; Rutherford, 2008, p. 146).

Critics have also attributed the failure on the lack of efforts to address the dominant reasons why Somalia was at war such as disputes over grazing fields in the negotiations. Certain important matters such as confrontations over grazing land in the Mudug region were not addressed in favor of a quick political solution that sought the establishment of a central government. Also, the ceasefire and disarmament was not pursued through a well-structured framework in order to contain the militia groups

The Cairo Peace Conference (1997)

The governments of Egypt, Libya, and Yemen did co-sponsor the Cairo peace conference and in which various leaders of the warring groups (28) attended. Interestingly, the groups fighting in Somalia had got new external allies and were divided between two camps. On the one hand, there are those supported by Libya and others were supported by Ethiopia (Elmi and Barise, 2006, p. 40). The SNA and the SSA were represented by Mahdi and Adieed respectively. Once again, the core objective of this conference was to try and convince the main actors involved in the war to form a government of unity before other processes could be done. The rationale is that they thought with a government in place violence could easily be stopped. But differences began to emerge almost immediately as members disputed the kind of government that was supposed to be adopted. As these differences seemed not to be easily reconcilable, Ethiopia supported group was influenced to stage a walkout in protest that their demands were not being heard. The moment this group led by General Nur and Ahmed left the conference, the meeting collapsed and once again the people of Somalia lost an opportunity to solve the war that now was getting out of hand (Elmi & Barise, 2006, pp. 39-40).

As such, the failure of the Cairo process became sealed the moment both leaders of the two alignments walked out a d allegedly went to Addis Ababa. Indeed, it can be deduced that both the Addis Ababa and Cairo peace processes had absent proper structural frameworks for the resolution of this conflict. The reestablishment of the state through the central government was never a long-term solution to a conflict of the nature witnessed in Somalia., Noteworthy, we have varied opinion on conflict resolution actors as conflict analysts tend to be more preoccupied with the long-term shifts and evolutions of conflict resolution experts seem to be focused on the short term conflict resolution strategies as was well manifested in both the Addis Ababa and Cairo peace processes (Kriesberg, 2009, p. 29)

The Arta Peace Conference (2000)

Following the complete failure of both the Addis Ababa and Cairo peace processes, Djiboutian President Ismail Omar once again embarked on a more ambitious agenda to attempt mediating a peace treaty for Somalia in 2000 (Lewis, p. 291). This new agenda received widespread support chiefly from the US, Libya, Intergovernmental Authority on Development (IGAD), Egypt and Italy.

In this conference, an estimated 60% of the 245 representatives in the Transitional National Authority were drawn from Siad Barre's former members of the legislature arm of government (Lewis, 2008, p. 82) and thus, raising the question of the legitimacy of the entire process even before its implementation commenced. Both the Transitional National Government (TNG) and Transitional National Assembly (TNA) lacked the support of a wide

section of Somali citizens as well as other rebel factions led by individuals such as Dhere Mohammed, Abdullahi Yusuf Aideed, Musa Saudi. The focus on a clan in political power dynamics had been attested to be an instrument of failure and this became even more reinforced that by the perceived understanding that the Transitional National Government existed to serve the sub-clan that provided the more solid political support.

For instance, Murphy (2011, p. 75) documents that the Transitional National Government attracted support from the Habr Gidir of Hawiye clan and had control of a few streets in the capital. Additionally, the Transitional National Government did not attract full support of the warlords or other major clan groupings and was alleged of perpetuating the marginalization of some groups (Murphy, 2011). Additionally, the area of influence under the governance of the Transitional National Government was very small in Mogadishu as the rest of the city was still under the sphere of influence of the militia groups (Lewis, 2008, p. 82).

In Arta peace process, key figures such as Salat Hassan had significant positive influence towards the peace process as he was able to pacify areas that fell under the mandate of the Transitional Government through nurturing a cordial understanding with Islamic leaders such as Shaik Dawir who had been accused by the US of being affiliated to the al-Qaeda terrorist group and this relationship consequently had unintended impacts on the political dynamics of Somalia (Teddase, 2003, p. 60). The Transitional National Government became deeply involved with the Sharia court system which became a key institution in the development of government systems in Mogadishu (Tedasse, 2003, p. 43). As such, while the Transitional National Government was struggling to attain legitimacy both domestically and internationally, the Islamic courts grew in popularity both in Mogadishu and adjacent regions.

The absence of attention on resolving the roots of the conflict and the establishment of a framework to specifically address the underlying causes comprehensively can be argued as some of the reasons that led to the Arta peace process not to achieve its aims. Again, the emphasis put on establishing a central government before resolving the conflict realities proved to a short-sighted strategy for a lasting peace agreement a d especially for a conflict that had continuously shown resistance to a military resolution.

According to Risse (2011, p. 11), Salat Hassan's pursuit for global recognition was purposely to create sovereignty for Somalia whose capacity for state power had totally collapsed and could not protect itself against invasion by other external forces or states. However, this study suggests that this enthusiasm with legitimacy by the Transitional National Government of Salat Hasan should have been channeled towards consolidating domestic legitimacy across class and different sub-clans.

The international legitimacy of the Transitional National Government of Somalia had been undermined extensively by Ethiopia when in 2000, it stated that Ethiopia's position on the Arta peace process was incomplete and proceeded to organize all the factions that had been opposed to the Arta peace process. Moreover, Elmi and Barise (2006) claim that also exploited the dissatisfaction of some of the actors who were in Arta most of whom were not happy with the positions they were given.

The Mbagathi Peace Conference (2004)

The Intergovernmental Authority on Development (IGAD), convened the Mbagathi Conference following the failure of previous peace processes. However, it also repeatedly failed to take into consideration the important dynamics that had led to the failure of previous peace efforts. Notably, this conference took place at a time marked by global security challenges specifically on the question of terrorism following the September 9th, 2001 terrorist attack on America.

As such, the US government perceived Somalia as a possible host ground for al-Qaeda terrorists or their affiliated sympathizers and therefore the Bush administration was determined to influence the eventual outcome so that a pro -American actor would head the new government (Nyadera & Bincof, 2019. I believe that America was more concerned about its foreign policy and domestic interest more than what was going on in Somalia. The war on terror had become an important tool in the United States policy and influenced its global behavior.

The Bush administration viewed the ungoverned spaces inside Somali valuable targets for an armed group with global aims. The bombing of American embassies in 1997 (Nairobi & Arusha) was believed to have been planned in Somalia and those involved also received training in some of the militia camps in the country. Therefore, the department of state was keen on having an ally in Somalia who would collaborate with security agencies from the US to defeat terrorist activities in the Horn of Africa. This was an ambitious goal by the Americans since the public opinion of Somali's was completely against western actors whom the public had been told were keen on destroying Somali's social, cultural and religious pillars. Similarly, state-building theorists such as Menkhaus (2003, p. 19) are reluctant to accept that this conference would have yielded anything tangible for the Somali people since external actors had hijacked the process and were fronting their own interest ahead of the suffering and losses people in Somalia were experiencing. Secondly, the conveyers of this conference did not also examine the attitude locals had in the state. For those who had lived under the authoritarian regime of Siad Barre, the government was nothing more than a club of cronies' keen on enriching themselves and gaining power over the rest (Menkhaus, 2003). This attitude still exists to date as recent surveys indicate people have very little trust in the various arms of government.

Other who made a similar observation contends that the international actors involved in the peace negotiations have a bias towards a particular system of governance which is the modern state system (Moller, 2009, p. 14). They bring this attitude to the negotiating table and forget to take into consideration what Somalis are used to in terms of the governance system and what they think can work for them in terms of bringing peace. Some observers have also raised concern over what they call an obsession with state-building instead of focusing on building peace Menkhaus (2003, p. 21). As the war continues to rage and wreck the horn of Africa nation, actors were busy trying to design a state which perhaps they thought would provide valuable instruments to achieve peace. By the time this conference was being held in Kenya, the Transitional National Government (TNG) was losing control of large parts of the country to militia groups and since the Transitional National Government (TNG) was a product of peace initiatives organized by international and regional actors, some of these militia begun spreading propaganda that external actors had imposed an illegitimate government on them and at the time Ethiopia and Kenya were seen as the masterminds of this act.

As such, this study deduces that a neo-realist understanding of security interests that are crowded by concepts of balance of power became a significant factor in determining intervention into the conflict by various leading mediating countries without much regard to establishing a sustainable solution to the conflict. Also, this overlooked concern was more expounded by a narrow understanding of national security outside the context that the security of Somalia is a fundamental issue of regional stability and by extension regional states national interests.

The Mbagathi conference also failed due to rejected terms representation that provided for the larger 4 clans namely; Digil, Darod, Dir and Hawiye to each appoint 61 representatives in parliament and that the remaining coalition of smaller clans get 31 seats in the legislative arm of government. Accordingly, Brown (2001, p. 211), attach the insistence on clan identity in conflict resolution that was open to exploitation by opportunistic politicians driven by the selfish agenda of power and wealth acquisition.

Recommendation and Conclusion

The conflict situation in Somalia has been overstretched to the extent it significantly continues to test the resilience and repertoires of those keen on bringing peace to the Horn of Africa nation. Indeed, the experience and prolonged period of war in Somalia is one that few consultants, academicians, donors or international organizations providing strategies and models of peace have lived through. Perhaps, this explains why previous proposals for peace in most collapsed states such as Somalia and elsewhere have been characterized by efforts to recreate the state based on the assumptions of the Treaty of Westphalia of 1648 (Leonard, et al, p. 2). While this approach has in some cases prevented some states from complete collapse, the downside of it is that it has not succeeded in establishing a conducive environment for the whole political system to function efficiently. In some instances, it gives the ruling elites control of vast territories without the necessary ingredients needed to sustain a state such as a stable internal governance structure. This has been the case not only in Somalia but also in Sierra Leone, the Democratic Republic of the Congo and Libya.

Another observation made from the previous peace efforts in Somalia is that the proposed approaches are heavily influenced by the ideas of Thomas Hobbes which describes life in the absence of a central authority (*Leviathan*) as "nasty, brutish and short" (Hobbes, 2016, ch. 4). This assumption further encourages that the first stage of solving conflict should be restabilizing a central authority which is assumed collapsed because the social contract between the people and the state had failed (Beichman, 2008; Winter, 2004). The continued cycle of violence in Somalia despite the several efforts to bring peace means that actors in these peace processes have not taken into consideration the unique features of a contemporary African state. Noteworthy, the existing approaches do have significant relevance and cannot be overlooked. First, the assumption by Hobbes that governments/ states are best placed to offer citizens the highest level of security is true. It is also true that the absence of central authority would plunge society into conflict. On the other hand, there is sufficient proof that the state can be the perpetrator of insecurity and predation as we have seen during the conflicts in Sierra Leone, the Democratic Republic of the Congo and Libya. Somalia has also demonstrated that some 'non -state' actors are capable of upholding peace and stability in some territories where the state has collapsed with the case of Somaliland being an example with its alternative government (Leonard & Samantar, 2011; Little, 2003; Prunier, 2009; Menkhaus, 2006; Kamara, 2016).

One of the gaps Somali peacemakers have failed to bridge is the question of legitimacy. The importance of legitimacy towards the stability of a state cannot be emphasized enough. This touches on among other issues the ability of the state to have obedience and control of the citizens. Sometimes, states have been able to gain legitimacy from its citizens as long as they provide material and possess coercive tools. Countries such as Zaire (today Congo) and Somalia have suffered almost a similar fate as the central authorities in these countries lost claim of obedience from members of the society (Etzioni, 1964; Young & Turner, 1985). Going forward efforts made to bring peace to Somalia will need to take into account the contemporary situation in the country.

This paper, therefore, recommends a new social contract (Constitution) for Somalia, but not just a social contract in the classical definition of Thomas Hobbes, but a modified one with broader reach and inclusion of the people. What classical social theorists such as Kant, Locke, Hobbes, and Rousseau provided was a philosophical experiment that encourages members of the society to give up some of their privileges and rights to a higher authority which would, in turn, be responsible for law and order. This philosophical approach was based on the assumption of how individuals behave and what factors can make them recognize an institution

as legitimate. The philosophers also assumed that the social contract was single based ie between the people and the state. It is this specific assumption that we seek to modify in order to fit the contemporary needs of African states that are having conflicts. Here we recommend that instead of a single social contract, two social contracts be adopted in the Somali peace process. Apart from the two social contracts we also propose two bargains in order to include different actors in the peace process.

What Somalia is facing since the collapse of the government in 1991 is increased mistrust of a central authority rightfully so because the central government lost control on the monopoly of force and failed to provide security to the people and their properties. The social contract will, therefore, attempt to restore the lost trust and state control by creating a civil society in which the people of Somalia will have participated in its creation.

The Community Contract

Peace efforts for Somalia need to take a different direction. The emphasis on creating the central government has proved incapable of ending the crisis. This paper recommends that a bottom-up process that will be characterized by increased participation of the Somali people in forging peace among themselves. Historical factors such as colonialism had an impact on the creation of the African state. The impact of this is that communities were not involved in the process of state creation from the beginning thus laying a weak foundation for national unity. Gellner (1983, pp. 6-7) in his definition of a nation argues that "Two men are of the same nation if and only if they recognize each other as belonging to the same nation." Gellner gives further insight into the potential weakness of establishing a state without consulting members of the community. In other words, members of the community must be ready to recognize that other individuals also have equal rights to live and be part of society. The extent of socio-political, cultural and economic discrimination among communities in Somalia through systems such as the 4.5 become serious obstacles to peace. Therefore, we argue that the reconstruction of the Somali state will need to factor in community contract and not only a contract between the people and the state.

The structure of modern African societies is characterized by great division among the people. These divisions range from ethnicity, clanism, urban-rural population (Mamdani, 2018), economic classes as well as religious division. Nonetheless, their allegiance is strongly based on the community which in turn has a contract with the state. This is evident during election campaigns where representatives of the clan or ethnic group will approach politicians with a list of demands they want to be fulfilled to the community in case the candidate wins. Based on Button's (2008) argument that the social contracts will require cultural institutions and values to help in their implementations since the contracts are not self-enforcing, social contracts between communities will have a positive impact on national politics.

Given the clan-based dimension that the conflict in Somalia took, it is important to emphasize the importance of social contract between the communities which will entail among other things the agreement to respect other clans right to exist and collective unity to achieve national goals. Somalia has existing traditional avenues such as the Xeer laws which not only offers reconciliation approaches and conflict resolution mechanism, it also defines the *diya*-paying system which can be the basis for the community social contract. The conflict has left millions of people either killed, injured or displaced and it will take a special form of intervention to overcome any form of revenge or grudge that one group may hold against the other. Clan elders owe the younger generations a better future and will need to have an important role to play in forging peace among communities. There needs to be a process of bringing together the Somali people as equal members of the state and this will need recognition

of each other. Apart from the traditional avenues, the new constitution we will be explaining in the subsequent sections will also provide legal backing to the community social contract

The Contract Between the State and the People

Once the community contract has been established, the Somali people will need to enter into a contract with the state through a constitutional process that will lead to the formation of a two-tier system of government. The new constitution will outline the obligations and duties of the state to the people, and the responsibility of the people to the state. Looking back at the colonial regimes that ruled the continent between 1880 and 1970s, despite their superior military capabilities, their administration needed some form of compliance from the locals. To this end, several agreements were entered in between the traditional/local authorities and the colonial governments (Oliver et al., 1966, p 207). The traditional legitimacy of these local authorities made it possible for the local chiefs to encourage their followers to comply with the rules and regulations of the government which intern provided the protection of the local chief thus creating what Marx Weber refers to as a legal-rational state (Weber, 1947). Even after independence, most Africans are tied to the authority of their traditional leaders stronger and simply attached to the state legally. This is evident in the manner voting is done during national elections whereby members of a particular clan or ethnicity will vote for someone local leaders have thrown their weight on irrespective of their qualification or capacity.

The new social contract, or in other words the new constitution will need to address the following issues; the structure of the central government, which may need to diverge from the winner takes all to a consensus model which will ensure that the interest of different cleavages is captured. There will need to establish functional regional governments under the devolved system which should focus on supplementing the central government efforts of service delivery to the people and not competing among themselves. Another important addition to the new social contract is a number of independent bodies specifically one to oversight the constitution implementation process, revenue allocation commission, an independent electoral commission, an independent police oversight authority, a national cohesion, and integration commission that will monitor hate speech and a civilian threat to peace among others. The new constitution will need to address the question and grievances of regions that are threatening to become independent, the state's monopoly of coercion and territorial integrity of the country. Given the importance of development in any state, Somalia will need to form a medium- and long-term strategic vision whose implementation need to be driven by an independent agency and should address social, economic, technological and human development index gaps in Somalia.

The powers of the central government may need to be limited to among other areas, national security, defense, foreign policy, health and education in order to increase efficiency while devolving functions such as agriculture, environmental management, culture and tourism, early childhood education and any other appropriate role that will need public participation. This will allow regional leaders to be accountable to the people and reducing stakes that come with the competition for a central authority. What Somalia needs is a transformation of its social political and economic spheres as well as building on the experiences of the conflict to develop a new mindset of tolerance and unity among the people.

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